

# TOWN OF THOMPSON

## -Meeting Agenda-

**TUESDAY, DECEMBER 19, 2017**

**7:30 P.M.**

**NOTE: TENTATIVE SPECIAL DISTRICT ASSESSMENT HEARING @ 7PM**

### **PUBLIC HEARINGS:**

- 1) PROPOSED LOCAL LAW #8 – AMEND CHAPTERS 52 & 250 (PARKS & RECREATION)
- 2) PROPOSED LOCAL LAW #9 – AMEND CHAPTER 48, SEC. 15 (F) (HEALTH INSURANCE BUYOUT)
- 3) PROPOSED LOCAL LAW #10 – ESTABLISH SEWER RENTS/RATES FOR 2018

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE TO THE FLAG**

**APPROVAL OF PREVIOUS MINUTES:** December 05, 2017 Regular Town Board Meeting

**PRESENTATION BY:** GORDON MACADAM  
ONE ROOM SCHOOLHOUSE HISTORICAL MARKERS PROJECT

**PRESENTATION BY:** WANDA CRUZ, HEALTHY COMMUNITIES COORDINATOR  
CORNELL COOPERATIVE EXTENSION  
COMPLETE STREETS PROGRAM

**PUBLIC COMMENT:**

### **CORRESPONDENCE:**

- **SC IDA:** Letter dated 12/07/17 to Assessor Krzywicki enclosing NYS Dept. of Taxation & Finance Form RP-412a, Application for Real Property Tax Exemption (Adelaar Developer, LLC – Waterpark Hotel Resort Project).
- **Town Clerk Calhoun:** Letter dated 12/12/17 to Edward McAndrew, P.E. Commissioner, SC DPW – Snow & Ice Control Contract Annual Rate Change Resolution No. 380 of 2017.
- **Town Clerk Calhoun:** Letter dated 12/13/17 to SC DPW, Traffic Safety Advisor regarding Dedication & Naming of Official Town Highway Resolutions for Resorts World Drive, Monticello, Res. # 339 & Res. # 340, Adopted 11/08/17.
- **Zarin & Steinmetz:** Letter dated 12/07/17 to Supervisor Rieber regarding Notice of Environmental Easement on various EPR Properties.
- **Sutton Land Title Agency:** Letter dated 11/30/17 to Town of Thompson Receiver of Taxes regarding PILOT Payment for 39 Terry Lane, Monticello, SBL #126.-1-3.1 in the amount of \$42,648.00.
- **Town of Mamakating Town Board:** Notice of Public Hearing 12/28/17 @ 6PM “Amendment of Solar Energy Systems Regulations”.
- **Town of Mamakating Town Board:** Notice of Joint Public Hearing 01/02/2018 @ 6PM “Prohibition of Extractive Operations in LIO Zoning District”.
- **Town of Mamakating Zoning Board of Appeals:** Notice of Public Hearing 12/28/17 @ 7PM “Area Variance Requested by Christopher DeCarlo, SBL #61.-5-2”.

### **AGENDA ITEMS:**

- 1) Action: Resolution to Enact Proposed Local Law #8 – Amend Chapters 52 & 250 (Parks & Recreation)
- 2) Action: Resolution to Enact Proposed Local Law #9 – Amend Chapter 48, Sec. 15 (F) (Health Insurance Buyout)
- 3) Action: Resolution to Enact Proposed Local Law #10 – Establish Sewer Rents/Rates For 2018
- 4) Action: Resolution to Authorize Participation in the “Complete Streets Program”
- 5) Establish Date for FY 2018 Organizational Meeting: Tuesday, January 2<sup>nd</sup>, 2017 @ 7:30 PM

**6) Professional Engineering Agreements with McGoe, Hauser & Edsall Consulting Engineers**

Review, Discuss and Approve the following:

1. Emerald Green Sewer District Pump Station No. 9 Replacement Project (Agreement)
2. Melody Lake Water District Water Main Replacement Project (Agreement)

**7) Emerald Green Sewer District Pump Station No. 9 Replacement Project – Approve Bonding Resolution for Approximately \$3.1 Million**

**8) Melody Lake Water District Water Main Replacement Project – Approve Bonding Resolution for Approximately \$400,000.00**

**9) Authorize Agreement with NYS DMV – Use of Town Hall Conference/Hearing Room**

**10) Conrad, Close & Ewald, P.C.: Authorize Payment of \$1,800.00 – Additional Survey Work for Emerald Green Pump Station No. 9**

**11) Melody Lake Sewer District Improvement Project – Resolution to authorize close out of the project and to apply any unspent monies to reduce the loan outstanding to NYS EFC. Also, authorize the Supervisor to execute any necessary documents to close out project and apply any unspent monies to outstanding loan.**

**12) Water & Sewer Department: Request to Purchase (1) 2018 Dodge ProMaster Van (Onondaga County Bid)**

**13) Bills Over \$1,250.00**

**14) Order Bills Paid**

**REPORTS: SUPERVISOR, COUNCILMEN & DEPARTMENT HEADS**

**OLD BUSINESS**

**NEW BUSINESS**

**PUBLIC COMMENT:**

**ADJOURN**

**“HAPPY HOLIDAYS”**

PH

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

**Affidavit of Publication**

State of New York

SS:

County of Sullivan

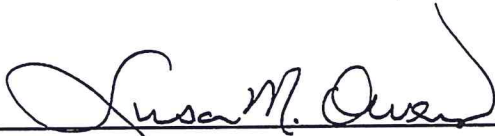
Legal Notice Ad

I, Fred W. Stabbert, III, being duly sworn,  
Depose and say: That I am the Publisher of  
Sullivan County Democrat, a twice weekly  
newspaper of general circulation published in  
Callicoon, County of Sullivan, State of New  
York; and that a notice, of which the annexed  
is a printed copy, was duly published in  
Sullivan County Democrat 12/1/17



Fred W. Stabbert, III

Sworn to before me this 1<sup>st</sup> day of December, 2017



Susan M. Owens

Notary Public, State of New York

No. #010W8025547

Qualified in Sullivan County

My commission expires on June 1, 2019

**LEGAL NOTICE  
TOWN OF  
THOMPSON  
SPECIAL DISTRICT  
ASSESSMENT  
HEARING**

PLEASE TAKE NOTICE that Town Board has filed with the Town Clerk the Special District Assessment Rolls for the Adalaar Sewer District, Anawana Sewer District, Cold Spring Sewer District, Dillon Farms Sewer District, Emerald Green/Lake Louise Marie Sewer District, Harris Sewer District, Harris Woods Sewer District, Kiamesha Lake Sewer District, Melody Lake Sewer District, Rock Hill Sewer District, Sackett Lake Sewer District, Kiamesha Outside User, Adalaar Water District, Cold Spring Water District, Dillon Water District, Kiamesha Route 42 Water District and Lucky Lake Water District for the year 2018. The Special District Assessment Rolls for all Sewer and Water Districts within the Town of Thompson are available for inspection by the Public during the normal work hours of 8:30 AM to 4:30 PM, Monday through Friday. The Town Board has determined that it will meet at the Town Hall, 4052 State Route 42, Monticello, New York at 7:00 PM on December 19, 2017 to hear and consider objections that may be made to the rolls.  
DATED: NOVEMBER 21, 2017  
BY ORDER OF THE TOWN BOARD  
MARILEE J. CALHOUN,  
TOWN CLERK 57091

**TOWN OF THOMPSON  
NOTICE OF PUBLIC HEARING  
ON PROPOSED LOCAL LAW**

**NOTICE IS HEREBY GIVEN** that there has been duly introduced at a meeting of the Town Board of the Town of Thompson, New York, held on November 8, 2017, a proposed Local Law No. 08 of 2017, entitled "A local law amending Chapter 52 of the Town of Thompson Code entitled 'Planning Board and Zoning Board of Appeals' and Chapter 250 entitled 'Zoning and Planned Unit Development' of the Town of Thompson Code".

**NOTICE IS FURTHER GIVEN** that the Town Board of the Town of Thompson will conduct a public hearing on the aforesaid proposed Local Law at the Town Hall, 4052 Route 42, Monticello, New York, on December 19, 2017 at 7:30 P.M., or as soon thereafter as said public hearing shall be convened, at which time all persons interested will be heard.

The proposed local law seeks to amend Chapter 52 entitled "Planning Board and Zoning Board of Appeals" and Chapter 250 entitled "Zoning and Planned Unit Development" of the Town of Thompson Code

Copies of the Local Law described above are on file in the office of the Town Clerk of the Town of Thompson, where the same are available to public inspection during regular office hours.

**PLEASE TAKE FURTHER NOTICE**, that all interested persons will be given an opportunity to be heard on said proposed Local Law at the place and time aforesaid.

**NOTICE IS HEREBY GIVEN**, pursuant to the requirements of the Open Meetings Law of the State of New York, that the Town Board of the Town of Thompson will convene in public meeting at the place and time aforesaid for the purpose of conducting a public hearing on the proposed Local Law described above and, as deemed advisable by said Board, taking action on the enactment of said Local Law.

Dated: November 08, 2017

BY ORDER OF THE TOWN BOARD

TOWN OF THOMPSON

MARILEE J. CALHOUN, TOWN CLERK

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. 8 of the year 2017

A local law amending Chapter 52 entitled "Planning Board and Zoning Board of Appeals" and 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. §52-3 E. is hereby amended to read as follows:

E. Pursuant to the findings in the Town of Thompson Parks and Recreation Study, which was adopted by the Town Board on June 20, 2017, there is a concrete need for additional parks and recreation facilities to support future recreational demands: new residential developments that will contribute to the population growth, whether year-round or seasonal, will create a demand for parks and recreational facilities in addition to those that exist presently. New residential development should be reviewed by the Planning Board on an individualized basis to determine if suitable park and/or recreational facilities of adequate size to meet the demands of the new population associated with the development can be located on the site of the new development, If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any plat showing lots, blocks or sites pursuant to Town Law §277(4) or any site plan pursuant to Town Law §274-a(6), or is otherwise not practical, the Planning Board shall require, as a condition of approval of any such plat, payment to the Town of a sum of money in lieu of park land on site. Any monies required by the Planning Board in lieu of land for parks, playground, or other recreational purposes shall be deposited in a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including acquisition of property. The fee for same shall be consistent with parkland fees as set in Article XIX of Chapter 250 of the Town Code.

2. §250-151 B. is amended to read as follows:

B. Land for such park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the particular subdivision plat will contribute.

3. §250-151 C. is amended to read as follows:

C. If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any plat showing lots, blocks or sites pursuant to Town Law §277(4) or is otherwise not practical, the Planning Board shall require, as a condition of

approval of any such plat, payment to the Town of a sum of money in lieu of park land on site. Any monies required by the Planning Board in lieu of land for parks, playground, or other recreational purposes shall be deposited in a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including acquisition of property. The fee for same shall be consistent with parkland fees as set in Article XIX of Chapter 250 of the Town Code.

3. §250-152 B. is amended to read as follows:

B. For all developments and subdivisions, other than up to a four-lot minor subdivision, if the Planning Board has required the incorporation of recreation facilities by the developer on his site, the parkland fee shall be \$2,500.00 per unit or lot, whichever is higher. The Planning Board may reduce this fee to a minimum of \$1,250.00 per unit or lot, whichever is higher, by reviewing, on a case by case basis the following criteria or any other relevant data to determine the proposed development's overall impact on the Town's recreational facilities:

Population/demographics of proposed development;

Types of recreational facilities proposed for the site, including whether passive or active, and the nature of the facilities proposed;

Number of housing units proposed;

Size/acres of proposed site;

Seasonality of the development's population, as well as seasonality of the on-site facilities;

Location of proposed development relative to other proposed or existing public recreational facilities.

4. §250-153 C. is amended to read as follows:

C. If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any plat showing lots, blocks or sites pursuant to Town Law §274(A)(6) or is otherwise not practical, the Planning Board shall require, as a condition of approval of any such plat, payment to the Town of a sum of money in lieu of park land on site. Any monies required by the Planning Board in lieu of land for parks, playground, or other recreational purposes shall be deposited in a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including acquisition of property. The fee for same shall be consistent with parkland fees as set in Article XIX of Chapter 250 of the Town Code.

5. §250-154 B. is amended to read as follows:

B. For all developments and subdivisions, other than up to a four-lot minor subdivision, if the Planning Board has required the incorporation of recreation facilities by the developer on his site, the parkland fee shall be \$2,500.00 per unit or lot, whichever is higher. The Planning Board may reduce the fee to a minimum of \$1,250.00 per unit or lot, whichever is higher, by reviewing, on a case by case basis the following criteria or any other relevant data to determine the proposed development's overall impact on the Town's recreational facilities:

Population/demographics of proposed development;

Types of recreational facilities proposed for the site, including whether passive or active, and the nature of the facilities proposed;  
Number of housing units proposed;  
Size/acres of proposed site;  
Seasonality of the development's population, as well as seasonality of the on-site facilities;  
Location of proposed development relative to other proposed or existing public recreational facilities.

6. Except as herein specifically amended, the remainder of Chapter 52 and Chapter 250 of such Code shall remain in full force and effect.
7. 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.
8. 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.
9. This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2017 of the Town of Thompson was duly passed by the Town Board on \_\_\_\_\_, 2017 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by Elective Chief Executive Officer\*)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2017 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2017 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 2017, in accordance with the applicable provisions of law.

3. (Final adoption by referendum)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2017 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2017 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on \_\_\_\_\_ 2017, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2017 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2017 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 2017 in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2017 of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of sections 36/37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at a special/general election held on \_\_\_\_\_ 2017 became operative.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.



6. (County local law concerning adoption of Charter)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 2017 of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_ 2017, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide the appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

\_\_\_\_\_  
~~Clerk of the county legislative body, city, town,  
village clerk or officer designated by local legislative  
body~~

Date: \_\_\_\_\_, 2017

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality)

STATE OF NEW YORK  
COUNTY OF SULLIVAN

I, the undersigned, do hereby certify that the foregoing local law contains the correct text and that all proper proceeding have been had or taken for the enactment of the local law annexed hereto.

Date: \_\_\_\_\_, 2017

\_\_\_\_\_  
Attorney for Town of Thompson

**MICHAEL B. MEDNICK**  
Town Attorney  
544 Broadway, Suite 4  
Monticello, New York 12701  
(845)794-5200  
(845)794-7784 Fax

November 9, 2017

Division of Planning & Environmental Management  
County Government Center  
100 North Street  
Monticello, NY 12701

Att: Freda Eisenberg  
Commissioner

Re: Proposed Local Law 7-2017 - Amendment to Parkland Fees

Dear Ms. Eisenberg:

In accordance with the provisions of Section 239-M of the General Municipal Law, we do hereby submit a proposed Local Law for the Town of Thompson for your consideration and revision. The proposed Local Law sets forth the changes to existing Town Code. For your consideration are those provisions that deal with the Planning Board and Zoning Board of Appeals and certain related provisions.

A public hearing has been set for December 19, 2017.

If you require additional information, please contact me.

Very truly yours,

**COPY**  
MICHAEL B. MEDNICK

MBM:ck  
Enc.  
cc: Marilee Calhoun, Town Clerk

FREDA C. EISENBERG  
COMMISSIONER



TELEPHONE: (845) 807-0527  
FACSIMILE: (845) 807-0546  
WEBSITE: <http://co.sullivan.ny.us>

SULLIVAN COUNTY  
DIVISION OF PLANNING, COMMUNITY DEVELOPMENT & REAL PROPERTY  
SULLIVAN COUNTY GOVERNMENT CENTER  
100 NORTH STREET, PO BOX 5012  
MONTICELLO, NY 12701

December 5, 2017

Mr. William J. Rieber, Jr., Supervisor  
Town of Thompson  
4052 Route 42  
Monticello, NY 12701

**THO17-38:** Proposed Local Law No. 7 of 2017 – Amendment to Parkland Fees  
GML-239 County Review

Dear Mr. Rieber:

The following review has been conducted in accordance with GML §239-l, -m & -n.:

- I. **Project:** Proposed Local Law No. 7 of 2017 – Amendment to Parkland Fees
- II. **Applicant:** Town of Thompson Town Board
- III. **Action:** Adoption of Local Law
- IV. **Project description:** Applicant wishes to adopt a local law to amend the existing town code regarding parkland fees
- V. **Geographic qualification:** N/A
- VI. **The proposed action has been assessed for the following intercommunity and countywide impacts:**
  - a. **Community character** – The proposed action will positively impact community character by providing necessary funding for local parks and recreation.
  - b. **Public convenience or governmental efficiency** – The proposed action will not adversely impact public convenience or governmental efficiency at an intercommunity or countywide level.
- VII. **Recommendation:** Approval
- VIII. **Technical Comments:** None

If you have any questions or concerns, please contact me at 845-807-0527.

Sincerely,

A handwritten signature in black ink that reads "Freda C. Eisenberg". The signature is written in a cursive style with a horizontal line extending from the end.

Freda C. Eisenberg, AICP  
Commissioner

cc: Alan Sorensen, Legislator  
Ira Steingart, Legislator

Please be advised that the Planning Board is required by Section 239-m of the General Municipal Law to provide a report of its final action within thirty days of such action to the Sullivan County Division of Planning with regard to this application. To facilitate this process, a form to report such action is enclosed.

SULLIVAN COUNTY  
DIVISION OF PLANNING, COMMUNITY DEVELOPMENT & REAL PROPERTY  
GENERAL MUNICIPAL LAW REFERRAL  
REPORT OF FINAL LOCAL ACTION

Section 239-m of the General Municipal Law of the State of New York requires that, within thirty days of final municipal action on a zoning matter which has been reviewed by the Sullivan County Division of Planning, the municipal body having jurisdiction must file a report of the final action it has taken with the Division. This form can serve as that report.

NAME OF MUNICIPALITY: \_\_\_\_\_

NAME OF MUNICIPAL AGENCY: \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

TYPE OF REFERRAL:

- Amendment of Zoning Ordinance or Map
- Rezoning                       Special Use Permit                       Use Variance
- Site Plan                       Area Variance                       Subdivision

FINAL MUNICIPAL ACTION:

- Approved     Denied
- Approved subject to the following conditions:

---



---



---



---



---



---

If the municipal body having jurisdiction has acted contrary to the recommendation of the Sullivan County Division of Planning, please attach a resolution setting forth the reasons for such contrary action. Please note that Section 239-m of the General Municipal Law also requires that such contrary action must be adopted by a vote of a majority plus one of all the members of the municipal body.

Please mail this form to the Sullivan County Division of Planning, Community Development & Real Property, 100 North Street, Monticello, NY 12701. Thank you for your cooperation.

**TOWN OF THOMPSON  
NOTICE OF PUBLIC HEARING  
ON PROPOSED LOCAL LAW**

**NOTICE IS HEREBY GIVEN** that there has been duly introduced at a meeting of the Town Board of the Town of Thompson, New York, held on December 05, 2017, a proposed Local Law No. 09 of 2017, entitled "A local law to amend Chapter 48 Section 15 of the Town of Thompson Code regarding Health Insurance".

**NOTICE IS FURTHER GIVEN** that the Town Board of the Town of Thompson will conduct a public hearing on the aforesaid proposed Local Law at the Town Hall, 4052 Route 42, Monticello, New York, on December 19, 2017 at 7:30 P.M., or as soon thereafter as said public hearing shall be convened, at which time all persons interested will be heard.

The proposed local law seeks to amend Chapter 48, Section 15 (F) of the Town of Thompson Code entitled "Personnel Rules and Regulations" regarding Health Insurance Buyout.

Copies of the Local Law described above are on file in the office of the Town Clerk of the Town of Thompson, where the same are available to public inspection during regular office hours.

**PLEASE TAKE FURTHER NOTICE**, that all interested persons will be given an opportunity to be heard on said proposed Local Law at the place and time aforesaid.

**NOTICE IS HEREBY GIVEN**, pursuant to the requirements of the Open Meetings Law of the State of New York, that the Town Board of the Town of Thompson will convene in public meeting at the place and time aforesaid for the purpose of conducting a public hearing on the proposed Local Law described above and, as deemed advisable by said Board, taking action on the enactment of said Local Law.

Dated: December 05, 2017

BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF THOMPSON  
MARILEE J. CALHOUN  
TOWN CLERK

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. 09 of the year 2017

A local law to amend Chapter 48 Section 15 of the Town of Thompson Code regarding Health Insurance entitled "A Local Law to amend Chapter 48 of the Code of the Town of Thompson".

Be it enacted by the Town Board of the

Town of Thompson

1. Chapter 48 Section 15 entitled "Health insurance", subsection F (1) is amended to read as follows:
  - F. (1) Have in place bona fide health insurance benefits from either (a) another employer, or (b) from a spouse's or other family member's or domestic partner's employer, other than from the Town of Thompson. Employee shall submit proof of alternate insurance coverage to the Town that said employee is and shall remain covered through said plan for the fiscal year.
2. Except as herein specifically amended, the remainder of Chapter 48 of such Code shall remain in full force and effect.
3. 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.
4. 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.
5. This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 2017 of the Town of Thompson was duly passed by the Town Board on \_\_\_\_\_, 2017 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by Elective Chief Executive Officer\*)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 2017 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2017 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 2017, in accordance with the applicable provisions of law.

3. (Final adoption by referendum)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 2017 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2017 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on \_\_\_\_\_ 2017, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 2017 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2017 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 2017 in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2017 of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of sections 36/37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at a special/general election held on \_\_\_\_\_ 2017 became operative.

6. (County local law concerning adoption of Charter)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2017 of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 2017, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide the appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

\_\_\_\_\_  
~~Clerk of the county legislative body, city, town, village clerk or officer designated by local legislative body~~

Date: \_\_\_\_\_, 2017

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality)

STATE OF NEW YORK  
COUNTY OF SULLIVAN

I, the undersigned, do hereby certify that the foregoing local law contains the correct text and that all proper proceeding have been had or taken for the enactment of the local law annexed hereto.

Date: \_\_\_\_\_, 2017

\_\_\_\_\_  
Attorney for the Town  
County/City/Town/Village of Thompson



TOWN OF THOMPSON  
NOTICE OF PUBLIC HEARING  
ON PROPOSED LOCAL LAW

NOTICE IS HEREBY GIVEN that there has been duly presented at a meeting of the Town Board of the Town of Thompson, New York, held on December 05, 2017, a proposed Local Law No. 10 of 2017, entitled "A local law to amend the Town of Thompson Code, Chapter 197, entitled 'Sewers'".

The proposed Local Law will establish and impose in the various sewer districts of the Town of Thompson, sewer rents for the year 2018.

NOTICE IS FURTHER GIVEN that the Town Board of the Town of Thompson will conduct a public hearing on the aforesaid proposed Local Law at the Town Hall, 4052 Route 42, Monticello, New York, on December 19, 2017, at 7:30 P.M., or as soon thereafter as said public hearing shall be convened, at which time all persons interested will be heard.

Dated: December 05, 2017

MARILEE J. CALHOUN  
Town Clerk  
Town of Thompson  
Monticello, New York

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. 10 of 2017

A local law entitled "A local law to amend the Town of Thompson Code, Chapter 197, entitled 'Sewers'."

Be it enacted by the Town Board of the

Town of Thompson

1. The Town Board of the Town of Thompson, pursuant to the provisions of Article 14-F of the General Municipal Law, entitled "Sewer Rent Law", and in particular Section 452 thereof, does hereby establish and impose sewer rents to be charged in the Harris Sewer District, Harris Woods Sewer District, Dillon Farms Sewer District, Kiamesha Lake Sewer District, Melody Lake Sewer District, Sackett Lake Sewer District, Cold Spring Sewer District, Emerald Green-Lake Louise Marie Sewer District, Anawana Sewer District, and Adelaar Resort Sewer District for the year 2018.
2. The rates to be charged pursuant to Chapter 197 of the Code of the Town of Thompson, Section 197-45, for the year 2018 are as follows:

<u>DISTRICT:</u>	<u>Operation &amp; Maintenance</u>	<u>Capital</u>
Anawana Sewer District:	\$40.23	\$ 0.00
Cold Spring Sewer District:	\$32.00	\$ 0.00
Dillon Farms Sewer District:	\$69.83	\$ 0.00
Emerald Green/Lake Louise Marie Sewer District	\$63.27	\$ 16.82
Harris Sewer District:	\$24.84	\$ 0.00
Kiamesha Lake Sewer District:	\$80.59	\$ 5.23
Melody Lake Sewer District	\$83.87	\$ 19.97
Sackett Lake Sewer District:	\$53.72	\$ 2.10
Harris Woods Sewer District:	\$18.87	\$109.73
Adelaar Resort Sewer District:	\$6,303.79 per lot	\$ 0.00

3. Except as herein specifically amended, the remainder of Chapter 197 of such code shall remain in full force and effect.
4. 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.

5. This local law shall take effect immediately.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2017 of the Town of Thompson was duly passed by the Town Board on \_\_\_\_\_, 2017 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer.\* or repassage after disapproval)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2017 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2017 and was approved/not disapproved/repassed after disapproval by the \_\_\_\_\_ on \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 2017, in accordance with the applicable provisions of law.

3. (Final adoption by referendum)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2017 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2017 and was approved/not disapproved/repassed after disapproval by the \_\_\_\_\_ on \_\_\_\_\_. Such local law was submitted to the people by reason of a mandatory/permissive referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the general/special/annual election held on \_\_\_\_\_ 2017, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2017 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2017 and was approved/not disapproved/repassed after disapproval by the \_\_\_\_\_ on \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 2017 in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2017 of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of sections 36/37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at a special/general election held on \_\_\_\_\_ 2017 became operative.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

6. (County local law concerning adoption of Charter)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2017 of the County of \_\_\_\_\_, State of New York, having been submitted to the Electors at the General Election of November \_\_\_ 2017, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide the appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

\_\_\_\_\_  
Town Clerk

Date: December \_\_\_, 2017

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality)

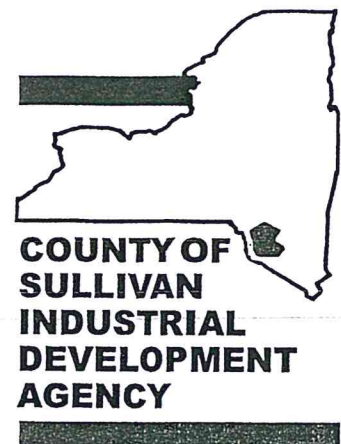
STATE OF NEW YORK  
COUNTY OF SULLIVAN

I, the undersigned, do hereby certify that the foregoing local law contains the correct text and that all proper proceeding have been had or taken for the enactment of the local law annexed hereto.

Date: December \_\_\_, 2017

\_\_\_\_\_  
Attorney for the Town of Thompson

One Cablevision Center  
Ferndale, New York 12734  
(845) 295-2603  
(845) 295-2604 FAX  
TTY 711



December 7, 2017

Mr. Van Krzywicki, Assessor  
Town of Thompson  
4052 State Route 42  
Monticello, New York 12701

**Re: New York State Department of Taxation and Finance Form RP-412-a (Adelaar Developer, LLC—Waterpark Hotel Resort Project)**

Dear Mr. Krzywicki,

Enclosed please find the following items relating to the above referenced project located within the Town of Thompson:

1. Original NYS RP-412-a Form
2. Payment in Lieu of Tax Agreement
3. Lease to Agency
4. Leaseback to Company

The subject parcel was removed from the tax rolls in 2014 with the filing of Form RP-412-a for the EPT Concord II LLC project. The enclosed documents reflect the transfer of this parcel from the EPT Concord II LLC project to the Adelaar Developer, LLC project.

An amended Form RP-412-a form reflecting changes to the EPT Concord II LLC project will be sent under separate cover.

If you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

Jennifer M. Flad  
Executive Director

enclosures

cc: Luis Alvarez, Chairman, Sullivan County Legislature  
Joshua Potosek, Sullivan County Manager  
Nancy Buck, Sullivan County Treasurer  
William J. Rieber, Jr., Supervisor, Town of Thompson  
Ms. Tammy Mangus, Superintendent, Monticello Central School District  
Chris Rice, District Treasurer, Monticello Central School District



NYS DEPARTMENT OF TAXATION & FINANCE  
OFFICE OF REAL PROPERTY TAX SERVICES

RP-412-a (1/95)

\* Note 2 Sided

INDUSTRIAL DEVELOPMENT AGENCIES  
APPLICATION FOR REAL PROPERTY TAX EXEMPTION  
(Real Property Tax Law, Section 412-a and General Municipal Law, Section 874)

1. INDUSTRIAL DEVELOPMENT AGENCY (IDA)

Name Co. of Sullivan Industrial Development Agency  
Street One Cablevision Center  
City Ferndale  
Telephone no. Day (845) 295-2603  
Evening ( ) \_\_\_\_\_  
Contact Jennifer M. Flad  
Title Executive Director

2. OCCUPANT (IF OTHER THAN IDA)

(If more than one occupant attach separate listing)

Name Adelaar Developer, LLC  
Street 909 Walnut Street, Suite 200  
City Kansas City, MO 64106  
Telephone no. Day (816) 472-1700  
Evening ( ) \_\_\_\_\_  
Contact Gregory K. Silvers  
Title President

3. DESCRIPTION OF PARCEL

- a. Assessment roll description (tax map no./roll year)  
SBL #15.-1-14.4
- b. Street address east of Chalet Road
- c. City, Town or Village Thompson
- d. School District Monticello
- e. County Sullivan
- f. Current assessment \$1,453,300.00
- g. Deed to IDA (date recorded; liber and page)  
lease to IDA 8/1/17 (2017-6918)  
Recorded 9.12.17

4. GENERAL DESCRIPTION OF PROPERTY (if necessary, attach plans or specifications)

- a. Brief description (include property use) waterpark resort hotel
- b. Type of construction new construction
- c. Square footage 425,000
- d. Total cost \$162,000,000.
- e. Date construction commenced 2017
- f. Projected expiration of exemption (i.e. date when property is no longer possessed, controlled, supervised or under the jurisdiction of IDA)  
2035

5. SUMMARIZE AGREEMENT (IF ANY) AND METHOD TO BE USED FOR PAYMENTS TO BE MADE TO MUNICIPALITY REGARDLESS OF STATUTORY EXEMPTION

(Attach copy of the agreement or extract of the terms relating to the project).

- a. Formula for payment see enclosed Payment in Lieu of Taxation Agreement
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- b. Projected expiration date of agreement 2035

c. Municipal corporations to which payments will be made

	Yes	No
County <u>Sullivan</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Town/City <u>Thompson</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Village <u><del>Thompson</del> N/A</u>	<input type="checkbox"/>	<input type="checkbox"/>
School District <u>Monticello</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Person or entity responsible for payment

Name Gregory K. Silvers  
 Title President  
 Address 909 Walnut Street, Suite 200  
Kansas City, MO 64106

e. Is the IDA the owner of the property?  Yes  No (check one)

If "No" identify owner and explain IDA rights or interest Telephone 816-472-1700  
 in an attached statement. IDA holds a leasehold interest (see enclosed Lease to Agency and Leaseback to Company)

6. Is the property receiving or has the property ever received any other exemption from real property taxation? (check one)  Yes  No

If yes, list the statutory exemption reference and assessment roll year on which granted:  
 exemption MIDA assessment roll year 2014 through 2017

7. A copy of this application, including all attachments; has been mailed or delivered on 12/7/17 (date) to the chief executive official of each municipality within which the project is located as indicated in Item 3.

**CERTIFICATION**

I, Jennifer M. Flad, Executive Director of  
 Name Title  
County of Sullivan Industrial Development Agency hereby certify that the information  
 Organization

on this application and accompanying papers constitutes a true statement of facts.

12/7/17  
 Date

Jennifer M. Flad  
 Signature

**FOR USE BY ASSESSOR**

1. Date application filed \_\_\_\_\_
2. Applicable taxable status date \_\_\_\_\_
- 3a. Agreement (or extract) date \_\_\_\_\_
- 3b. Projected exemption expiration (year) \_\_\_\_\_
4. Assessed valuation of parcel in first year of exemption \$ \_\_\_\_\_
5. Special assessments and special as valorem levies for which the parcel is liable:

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Assessor's signature



MARILEE J. CALHOUN  
Town Clerk

KELLY M. MURRAN  
Deputy Town Clerk

# Town of Thompson

TOWN HALL  
4052 Route 42  
Monticello, NY 12701-3221

Telephone (845) 794-2500 Ext.302  
Fax (845) 794-8600

December 12, 2017

Edward McAndrew, P.E., Commissioner  
County of Sullivan Division of Public Works  
Sullivan County Government Center  
100 North Street – PO Box 5012  
Monticello, New York 12701-5192

Re: Snow & Ice Control Contract Annual Rate Change Resolution No. 380 of 2017

Dear Mr. McAndrew:

Enclosed is a Certified Resolution regarding the yearly rate change to the Snow & Ice Control Contract from July 01, 2015 through June 30, 2018 for the year July 01, 2017 – June 30, 2018. The Town Board at their December 5<sup>th</sup>, 2017 meeting approved the Resolution. As per your request, I am forwarding a Certified Copy to you for your records.

Thank you in advance for your attention to this matter and do not hesitate to contact me should you have any questions.

Sincerely,



Marilee J. Calhoun  
Town Clerk/Registrar

Encl. (1)  
MJC:kmm

PC: Hon. William J. Rieber, Jr., Supervisor & Town Board  
Hon. Richard Benjamin, Highway Superintendent  
Mr. Gary J. Lasher, Town Comptroller

**AT A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF  
THOMPSON HELD AT THE TOWN HALL ON DECEMBER 5<sup>th</sup>, 2017**

The following resolution was duly moved, seconded and adopted:

**WHEREAS**, the County of Sullivan and the Town of Thompson entered into contract for Snow and Ice Control on County Roads from July 01, 2015 through June 30, 2018;

**WHEREAS**, the contract states the Town will be paid the amount Sullivan County received from the State of New York for snow and ice control on state highways the previous snow and ice season; and

**WHEREAS**, the County of Sullivan was paid the rate of \$5,684.32 per centerline mile for the 2016-2017 contract year; and

**WHEREAS**, said section of the Highway Law of the State of New York requires the approval by resolution of each of the legislative bodies of such County, Towns;

**NOW, THEREFORE, BE IT RESOLVED**, that the County of Sullivan pay the amount of \$5,684.32 per centerline mile for two lane highways and \$8,526.48 for three lane highways to the Town for the contract year July 01, 2017 – June 30, 2018.

**FURTHER, BE IT RESOLVED**, that Town Supervisor William J. Rieber, Jr. hereby be authorized to execute such Agreement between the Town of Thompson and County of Sullivan regarding the above.

Moved by: Councilman John A. Pavese  
Seconded by: Councilman Peter T. Briggs  
Adopted the 5<sup>th</sup> day of December, 2017.

**PRESENT:**


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

STATE OF NEW YORK}  
COUNTY OF SULLIVAN} §:

The undersigned Town Clerk of the Town of Thompson, does hereby certify that I have compared the foregoing copy of the resolution attached hereto with the original thereof now on file within my office and that the same is a true and correct copy thereof and of the whole of said original that was adopted on December 5<sup>th</sup>, 2017.

WITNESS my hand and seal this 12<sup>th</sup> day of December, 2017.

(SEAL)

  
Marilee J. Calhoun, Town Clerk

MARILEE J. CALHOUN  
Town Clerk

KELLY M. MURRAN  
Deputy Town Clerk

# Town of Thompson

TOWN HALL  
4052 Route 42  
Monticello, NY 12701-3221

Telephone (845) 794-2500 Ext.302  
Fax (845) 794-8600

December 13, 2017

Sullivan County Department of Public Works – Traffic Safety Advisor  
Sullivan County Government Center  
100 North Street – PO Box 5012  
Monticello, New York 12701-5192

Re: Dedication and Naming of Official Town Highway  
Resorts World Drive, Monticello, Res. No.339 & Res. No. 340 of 2017

To Whom It May Concern:

Enclosed please find (2) Resolutions adopted by the Town Board on 11/08/2017 accepting dedication of an Official Town Highway and approving the name of said Official Town Highway as "Resorts World Drive", which needs to be added to the Town of Thompson Highway Inventory and Map. Also, attached is a copy of the Order of Town Superintendent of Highways Accepting Dedication.

Thank you in advance for your attention to this matter. If you should have any questions concerning the above, please feel free to contact our Highway Superintendent Richard L. Benjamin, Jr. at (845) 794-5560 or our Town Attorney Michael B. Mednick at (845) 794-5200.

Very truly yours,



Marilee J. Calhoun  
Town Clerk

MJC:  
Enclosures: (3)

PC: ✓ Hon. William J. Rieber, Jr., Supervisor and Town Board  
Hon. Richard L. Benjamin, Jr., Highway Superintendent  
Mr. Michael B. Mednick, Town Attorney  
Helen Collier Mauch, Esq., Zarin & Steinmetz  
Copy to File

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 November 08,  
2017

**RESOLUTION ACCEPTING DEDICATION OF ROADS, EASEMENTS AND  
UTILITIES CONSTRUCTED IN CONNECTION WITH THE ADELAAR RESORT  
DEVELOPMENT PROJECT**

**WHEREAS**, EPR Concord II, L.P., a Delaware limited partnership; EPT Concord II, LLC, a Delaware limited liability company; and Adelaar Developer, LLC, a Delaware limited liability company (hereinafter collectively called "Applicant") is the owner of certain parcels of real property in the Town of Thompson, Sullivan County, New York which totals approximately 1,675 acres of land ("Project Site"); and

**WHEREAS**, Applicant has developed the Project Site for the future use of a hotel/casino, waterpark and entertainment village and has designed, engineered, constructed and installed certain public infrastructure improvements at the Project Site, including but not limited to roadways called "Resort Entry ROW", realigned Chalet Road and "New Road ROW" (hereinafter referred to as "Resort Roads"); and

**WHEREAS**, the Applicant has entered into a Lease to Agency agreement with the County of Sullivan Industrial Development Agency ("IDA") for the construction of the aforesaid infrastructure, including but not limited to the Resort Roads; and

**WHEREAS**, pursuant to a certain Public Infrastructure Services Agreement made June 16, 2016 between the Town, Applicant, and the IDA, the Town, on behalf of the Adelaar Improvement Districts, agreed in part to maintain the Resort Roads and to accept dedication of said roads and all access utility and drainage easements for the public infrastructure improvements over said Resort Roads; and

**WHEREAS**, the Casino Developer has made an application to the Town of Thompson Building Department for a Temporary Certificate of Occupancy for the newly constructed casino resort and same is subject to and conditioned upon fulfillment of conditions set forth in the Town of Thompson Planning Board's site plan approval, which includes the dedication of the roads, all in accordance with Town of Thompson Zoning Code, highway specifications and rules and regulations of the Town Code; and

**WHEREAS**, the Applicant has tendered to the Town of Thompson an Irrevocable Offer of Dedication dated October 31, 2017 which includes dedication of Resort Roads as described in the attached metes and bounds description and map, which was recorded in the Sullivan County Clerk's Office on November 8, 2017 as Instrument No. 2017-8430, along with copies of Public Infrastructure Easement Agreement dated July 20, 2016, as amended, granting a perpetual, non-exclusive Access, Utility & Drainage Easement over the Public Infrastructure Improvements; and

**WHEREAS**, Applicant shall provide the Town of Thompson with an executed deed for road dedication of Resort Entry ROW and New Road ROW together with accompanying TP-584 and RP5217, and Applicant shall record said deed with the Sullivan County Clerk at a time after dedication of the Resort Roads is complete; and

**WHEREAS**, the Town Board has determined it is in the best interest of the residents of the Town of Thompson and the Adelaar Resort Road District to accept the roads, easements, utilities and other public improvements that have been constructed consisting of the Resort Roads; and

**WHEREAS**, the Town Highway Superintendent shall execute an Order consenting to the acceptance and dedication of the Resort Roads, confirming the dedicated roadways are constructed to meet all Town and Highway Law specifications, and has recommended to the Town Board acceptance of the Resort Roads; and

**WHEREAS**, it is a further requirement of the Town of Thompson that Applicant is required to guarantee that the quality and workmanship of the road improvements accepted by the Town will be free from defects in material and workmanship for a period of one (1) year from the date of acceptance by the Town.

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

1) The recitations set forth are incorporated in this Resolution as if fully set forth and adopted herein; and

2) The Town Board hereby determines that it is in the best interest of the residents of the Town of Thompson and on behalf of the Adelaar Resort Road District to accept the Resort Roads, which shall be known as "Resorts World Drive", and all related easements, utilities and other public improvements made and constructed for the Adelaar Resort Project Site, and the Town Board hereby accepts same upon delivery of all deeds and transfer documents above mentioned; and

3) The Town Board authorizes the Supervisor to execute any and all documents and take whatever steps necessary to have the roadway dedication deed recorded with the Sullivan County Clerk upon determination that the aforesaid documents are delivered free and clear of any liens or encumbrances and are otherwise in compliance with the Town's Zoning Code, highway specifications, and rules and regulations of the Town Code; and

4) The Town Board hereby acknowledge that the Superintendent of Highways shall make and execute an Order laying out the lands described in the aforesaid Irrevocable Offer of Dedication for public highway purposes in accordance with the provision of the Highway Law and other statutes applicable thereto, and the Town Attorney, upon receipt of a fully executed deed, shall record same at the Applicant's expense.

Adopted the 8<sup>th</sup> day of November, 2017.

Moved by: Councilman Scott S. Mace

Seconded by: Councilman Peter T. Briggs

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 S. MACE	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Councilman JOHN A. PAVESE	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

STATE OF NEW YORK )  
COUNTY OF SULLIVAN) SS:

The undersigned, Town Clerk of the Town of Thompson, does hereby certify that the resolution, attached hereto, a majority of all Board members voting in favor thereof, and the same has been compared with the original on file in my office and is a true and correct copy of said original and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on November 14, 2017.

Marilee J. Calhoun  
Marilee J. Calhoun, Town Clerk



**LEGAL DESCRIPTION OF JOYLAND (ENTRANCE) ROAD R.O.W.**

All that certain parcel of land located in the Town of Thompson, Sullivan County, New York in Lots 40, 46, 51 and 52 of Great Lot 13, Hardenburg Patent and in Lot 9, of Great Lot 1, Hardenburg Patent along a portion of Joyland Road for the purpose of a proposed Right-of-Way for Joyland (Entrance) Road which is more particularly bounded and described as follows:

**BEGINNING** at the corner of lot numbers 51 and 52 of Great Lot 13, Hardenburg Patent where it intersects with the southerly line of Great Lot 1, Hardenburg Patent; said point being on the centerline of existing Joyland Road, said point also being the common corner of now or formerly Sunshine on the northeast and now or formerly EPT Concord II, LLC on the southeast, southwest, and northwest and continuing along said boundary between Great Lot 1 on the north and Great Lot 13 on the south, and the common boundary between now or formerly EPT Concord II, LLC on the south and now or formerly Sunshine on the north South 69°20'00" East, a distance of 1.51 feet to the easterly proposed road line of Joyland (Entrance) Road and continuing through now or formerly EPT Concord II, LLC the following fifteen (15) and partially along a sixteenth (16<sup>th</sup>) courses and distances;

- 1) South 05°45'02" West, a distance of 227.11 feet to a point of curvature,
- 2) Along a curve to the right having a radius of 585.00 feet, and an arc length of 105.18 feet to a point of tangency,
- 3) South 16°03'08" West, a distance of 1254.95 feet to a point of curvature,
- 4) Along a curve to the right having a radius of 421.00 feet, and an arc length of 510.60 feet crossing into a certain parcel of land designated as "Parcel 4" on a map entitled "Parcel 4 Boundary Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated February 12, 2013" to a point of tangency, and continuing through said parcel the following eleven (11) and partially along a twelfth (12<sup>th</sup>) courses and distances;
- 5) South 85°32'29" West, a distance of 645.96 feet,
- 6) South 04°27'31" East, a distance of 20.00 feet,

- 7) South 85°32'29" West, a distance of 327.00 feet to a point of curvature,
- 8) Along a curve to the left having a radius of 449.00 feet, and an arc length of 537.75 feet to a point of tangency,
- 9) South 16°55'15" West, a distance of 170.50 feet to a point of curvature,
- 10) Along a curve to the right having a radius of 551.00 feet, and an arc length of 175.70 feet to a point of tangency,
- 11) South 35°11'26" West, a distance of 94.49 feet to a point of curvature,
- 12) Along a curve to the left having a radius of 339.00 feet, and an arc length of 105.04 feet to a point of tangency,
- 13) South 17°26'15" West, a distance of 165.13 feet to a point of curvature,
- 14) Along a curve to the right having a radius of 451.00 feet, and an arc length of 458.99 feet to a point of tangency,
- 15) South 75°44'55" West, a distance of 168.04 feet to a point of curvature and
- 16) Along a curve to the left having a radius of 549.00 feet, and an arc length of 522.31 feet crossing into now or formerly Weitz & Flamm and also a certain parcel of land designated as "Parcel A" on a map entitled "Topographic Lot Consolidation Survey Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated September 15, 2012" to a point of tangency and continuing through said Parcel A and now or formerly Weitz & Flamm the following two (2) and partially along a third (3<sup>rd</sup>) courses and distances;
- 17) South 21°14'18" West, a distance of 440.86 feet to a point of curvature,
- 18) Along a curve to the left having a radius of 349.00 feet, and an arc length of 420.25 feet to a point of tangency and
- 19) South 47°45'19" East, a distance of 510.91 feet crossing into now or formerly Shevas Achim Bungalow Inc., then into aforementioned Parcel A and back again into now or formerly Shevas Achim Bungalow Inc. to a point of curvature,

THENCE along a curve to the left having a radius of 349.00 feet, and an arc length of 140.19 feet crossing back into aforementioned Parcel A and now or formerly Schulman & Schulman to a point of tangency,

THENCE South 70°46'14" East, a distance of 454.63 feet to a point of curvature,

THENCE along a curve to the right having a radius of 451.00 feet, and an arc length of 378.03 feet crossing into now or formerly Shevas Achim Bungalow, Inc. and

then into aforementioned Parcel A and now or formerly EPT Concord II, LLC again to a point of tangency,

THENCE South  $22^{\circ}44'41''$  East, a distance of 474.18 feet to a point of curvature,

THENCE along a curve to the left having a radius of 349.00 feet, and an arc length of 160.93 feet crossing into now or formerly Nachlai Emunah Bungalows Inc., and then into aforementioned Parcel A and now or formerly EPT Concord II, LLC again to a point of tangency,

THENCE South  $49^{\circ}09'54''$  East, a distance of 199.19 feet to the westerly road line of the existing Joyland Road,

THENCE continuing along said westerly road line of Joyland Road South  $18^{\circ}53'32''$  West, a distance of 80.31 feet to a monument at the common corner of the northerly line of State Highway No. 5457 (Route 17) and the westerly line of Joyland Road, 25.700 meters northerly and measured at right angles from Station 1+289.500 of the 1998 survey baseline of the Bloomburg-Monticello Part 2, State Highway No. 5457,

THENCE continuing along said northerly line of said State Highway No. 5457 (Route 17) (acquired by New York State without right of access to and from abutting property), North  $75^{\circ}33'24''$  West, a distance of 142.67 feet,

THENCE continuing through aforementioned Parcel A and now or formerly EPT Concord II, LLC the following seven (7) courses and distances;

- 20) North  $49^{\circ}10'33''$  West, a distance of 125.63 feet to a point of curvature,
- 21) Along a curve to the right having a radius of 451.00 feet, and an arc length of 208.05 feet to a point of tangency,
- 22) North  $22^{\circ}44'41''$  West, a distance of 420.29 feet to a point of curvature,
- 23) Along a curve to the left having a radius of 299.00 feet, and an arc length of 233.95 feet to a point of tangency,
- 24) North  $67^{\circ}34'31''$  West, a distance of 484.15 feet to a point of curvature,
- 25) Along a curve to the right having a radius of 651.00 feet, and an arc length of 225.20 feet to a point of tangency,
- 26) North  $47^{\circ}45'19''$  West; a distance of 149.45 feet to the northerly boundary of State Highway No. 5457 (Route 17) and continuing along same the following two (2) courses and distances;
- 27) North  $16^{\circ}28'12''$  East, a distance of 21.35 feet through an iron pin to the line between lot numbers 40 on the south and 46 on the north of Great Lot 13, Hardenburg Patent and
- 28) Along said lot line between lot numbers 40 and 46 of Great Lot 13, Hardenburg Patent, North  $70^{\circ}46'14''$  West, a distance of 49.17 feet,

THENCE continuing through aforementioned Parcel A and now or formerly Weitz & Flamm the following four (4) and partially along a fifth (5<sup>th</sup>) courses and distances;

- 29) North 47°45'19" West, a distance of 325.79 feet to a point of curvature,
- 30) Along a curve to the right having a radius of 551.00 feet, and an arc length of 663.50 feet to a point of tangency,
- 31) North 21°14'18" East, a distance of 359.90 feet to a point of curvature,
- 32) Along a curve to the right having a radius of 801.00 feet, and an arc length of 608.16 feet to a point of tangency and
- 33) North 64°44'25" East, a distance of 183.09 feet crossing into aforementioned Parcel 4 and now or formerly EPT Concord II, LLC to a point of curvature and continuing through same the following four (4) courses and distances;
  
- 34) Along a curve to the left having a radius of 749.00 feet, and an arc length of 504.40 feet to a point of tangency,
- 35) North 26°09'19" East, a distance of 599.51 feet to a point of curvature,
- 36) Along a curve to the right having a radius of 601.00 feet, and an arc length of 631.40 feet to a point of tangency and
- 37) North 86°20'56" East, a distance of 350.55 feet to the common boundary between aforementioned Parcel 4 on the west and aforementioned Parcel 1 on the east and continuing along the boundary of said Parcel 1 the following two (2) and partially along a third (3<sup>rd</sup>) courses and distances;
  
- 38) North 85°32'29" East, a distance of 645.96 feet to a point of curvature,
- 39) Along a curve to the left having a radius of 301.00 feet, and an arc length of 365.06 feet to a point of tangency and
- 40) North 16°03'08" East, a distance of 1254.95 feet to the easterly boundary line of a certain parcel of land designated as "Parcel 3" on a map entitled "Parcel 3 Boundary Prepared For EPT Concord II, LLC Property Situate In The Town Of Thompson, County Of Sullivan, State Of New York, dated February 12, 2013 and revised July 1, 2013" to a point of curvature and continuing along said boundary the following two (2) courses and distances;
  
- 41) Along a curve to the left having a radius of 465.00 feet, and an arc length of 83.61 feet to a point of tangency and
- 42) North 05°45'02" East, a distance of 260.69 feet to the northeasterly corner of aforementioned Parcel 3 said point being on the common

proposed road line between Thompsonville Road on the north and Joyland (Entrance) Road on the south,

THENCE continuing along said common proposed road line between Thompsonville Road and Joyland (Entrance) Road South  $69^{\circ}03'45''$  East, a distance of 123.04 feet to the centerline of existing Joyland Road said point also being on the common boundary of now or formerly Sunshine on the east and now or formerly EPT Concord II, LLC on the west,

THENCE continuing along the existing centerline of Joyland Road and said common boundary, South  $17^{\circ}16'08''$  West, a distance of 0.98 feet to the POINT AND PLACE OF BEGINNING.

CONTAINING an area of 1,386,889 square feet or 31.839 acres of land more or less.

EXHIBIT A (continued)

LEGAL DESCRIPTION OF ROAD RIGHT OF WAY FORMERLY KNOWN AS CHALET ROAD

All that Lot, Parcel or Piece of Land, situate in the Town of Thompson, County of Sullivan and State of New York also being the Right of Way of Chalet Road and being further described as follows:

Beginning at a point on the northerly side of Thompsonville Road and on the westerly side of Chalet Road said point being the most southwesterly point of the lands herein described; Thence 1) along the westerly side of Chalet Road, North 20 degrees 56 minutes 15 seconds East a distance of 7.48 feet to a point of curvature, Thence 2) along a curve to the right having a radius of 464.00 feet with a curve length of 59.57 feet as described by the chord North 22 degrees 04 minutes 47 seconds East a distance of 59.53 feet to a point of tangency, Thence 3) North 25 degrees 45 minutes 27 seconds East a distance of 151.07 feet to a point of curvature, Thence 4) along a curve to the left having a radius of 496.00 feet and a curve length of 122.74 feet as described by the chord North 18 degrees 40 minutes 06 seconds East a distance of 122.43 feet to a point of tangency Thence 5) North 11 degrees 34 minutes 45 seconds East a distance of 280.00 feet to a point of curvature, Thence 6) along a curve to the left having a radius of 496.00 feet and a curve length of 143.82 feet as described by the chord North 03 degrees 16 minutes 20 seconds East a distance of 143.32 feet to a point of tangency, Thence 7) North 05 degrees 02 minutes 03 seconds West a distance of 145.08 feet to a point of curvature, Thence 8) along a curve to the left having a radius of 325.00 feet and a curve length of 43.56 feet as described by the chord North 08 degrees 52 minutes 25 seconds West a distance of 43.52 feet to a point of tangency, Thence 9) North 12 degrees 42 minutes 47 seconds West a distance of 580.28 feet to a point of curvature, Thence 10) along a curve to the left having a radius of 325.00 feet and a curve length of 136.58 feet as described by the chord North 24 degrees 45 minutes 08 seconds West a distance of 135.58 feet to a point of tangency, Thence 11) North 36 degrees 47 minutes 29 seconds West a distance of 158.93 feet to a point of curvature, Thence 12) along a curve to the right having a radius of 546.00 feet and a curve length of 513.59 feet as described by the chord North 09 degrees 50 minutes 39 seconds West a distance of 494.86 feet to a point of tangency, Thence 13) North 17 degrees 06 minutes 12 seconds East a distance of 399.98 feet to a point of curvature, Thence 14) along a curve to the left having a radius of 875.00 feet and a curve length of 426.45 feet as described by the chord North 03 degrees 08 minutes 28 seconds East a distance of 422.24 feet to a point of tangency, Thence 15) North 10 degrees 49 minutes 15 seconds West a distance of 163.35 feet to a point of curvature, Thence 16) along a curve to the left having a radius of 375.00 feet and a curve length of 278.04 feet as described by the chord North 32 degrees 03 minutes 42 seconds West a distance of 271.72 feet to a point of tangency, Thence 17) North 53 degrees 18 minutes 10 seconds West a distance of 138.95 feet to a point of curvature, Thence 18) along a curve to the left having a radius of 775.00 feet and a curve length of 208.68 feet as described by the chord North 61 degrees 00 minutes 59 seconds West a distance of 208.05 feet to a point of tangency, Thence 19) North 68 degrees 43 minutes 49 seconds West a distance of 195.83 feet to a point of curvature, Thence 20) along a curve to the right having a radius of 315.00 feet and a curve length of 305.81 feet as described by the chord North 40 degrees 55 minutes 07 seconds West a distance of 293.94 feet to a point of tangency, Thence 21) North 13 degrees 06 minutes 25 seconds West a distance of 127.31 feet to a point of curvature, Thence 22) along a curve to the left having a radius of 325.00 feet and a curve length of 183.28 feet as described by the chord North 29 degrees 15 minutes 45 seconds

West a distance of 180.86 feet to a point of tangency, Thence 23) North 45 degrees 25 minutes 05 seconds West a distance of 103.29 feet to a point of curvature, thence 24) Along a curve to the right having a radius of 315.00 feet and a curve length of 405.85 feet as described by the chord North 08 degrees 30 minutes 28 seconds West a distance of 378.36 feet to a point of tangency, Thence 25) North 28 degrees 24 minutes 09 seconds East a distance of 564.44 feet to a point of curvature, Thence 26) along a curve to the right having a radius of 315.00 feet and a curve length of 232.55 feet as described by the chord North 49 degrees 33 minutes 06 seconds East a distance of 227.30 feet to a point of tangency, Thence 27) North 70 degrees 42 minutes 02 seconds East a distance of 116.07 feet to a point of curvature, Thence 28) along a curve to the left having a radius of 325.00 feet and a curve length of 223.47 feet as described by the chord North 51 degrees 00 minutes and 10 seconds East a distance of 219.09 feet to a point of tangency, Thence 29) North 31 degrees 18 minutes 17 seconds East a distance of 590.24 feet to a point of curvature, Thence 30) along a curve to the left having a radius of 1475.00 feet and a curve length of 294.33 feet as described by the chord North 25 degrees 35 minutes 18 seconds East a distance of 293.84 feet to a point of tangency, Thence 31) North 19 degrees 52 minutes 18 seconds East a distance of 482.94 feet to a point of curvature, Thence 32) along a curve to the left having a radius of 10.00 feet and a curve length of 18.71 feet as described by the chord North 33 degrees 43 minutes 29 seconds West a distance of 16.10 feet to a point on the southerly side of Kiamesha Lake Road AKA Sullivan County Route # 109, Thence along the southerly side of Kiamesha Lake Road for the following two courses and distances, 33) South 87 degrees 19 minutes 17 seconds East a distance of 37.00 feet, Thence 34) South 86 degrees 52 minutes 59 seconds East a distance of 36.26 feet to a point of curvature, said point also being on the easterly side of Chalet Road , Thence 35) continuing along the easterly side of Chalet Road and along a curve to the left having a radius of 10.00 feet and a curve length of 12.78 feet as described by the chord South 56 degrees 29 minutes 40 seconds West a distance of 11.93 feet to a point of tangency, Thence 36) South 19 degrees 52 minutes 18 seconds West a distance of 504.31 feet to a point of curvature, Thence 37) along a curve to the right having a radius of 1525.00 feet and a curve length of 304.31 feet as described by the chord South 25 degrees 35 minutes 18 seconds West a distance of 303.80 feet to a point of tangency, Thence 38) South 31 degrees 18 minutes 17 seconds West a distance of 590.24 feet to a point of curvature, Thence 39) along a curve to the right having a radius of 375.00 feet and a curve length of 257.85 feet as described by the chord South 51 degrees 00 minutes 10 seconds West a distance of 252.80 feet to a point of tangency, Thence 40) South 70 degrees 42 minutes 02 seconds West a distance of 116.07 feet to a point of curvature, Thence 41) along a curve to the left having a radius of 265.00 feet and a curve length of 195.63 feet as described by the chord South 49 degrees 33 minutes 06 seconds West a distance of 191.22 feet to a point of tangency, Thence 42) South 28 degrees 24 minutes 09 seconds West a distance of 564.44 feet to a point of curvature, Thence 43) along a curve to the left having a radius of 265.00 feet and a curve length of 341.43 feet as described by the chord South 08 degrees 30 minutes 28 seconds East a distance of 318.30 feet to a point of tangency, Thence 44) South 45 degrees 25 minutes 05 seconds East a distance of 103.29 feet to a point of curvature, Thence 45) along a curve to the right having a radius of 375.00 feet and a curve length of 211.48 feet as described by the chord South 29 degrees 15 minutes 45 seconds East a distance of 208.69 feet to a point of tangency, Thence 46) South 13 degrees 06 minutes 25 seconds East a distance of 127.31 feet to a point of curvature, Thence 47) along a curve to the left having a radius of 265.00 feet and a curve length of 257.27 feet as described by the chord South 40 degrees 55 minutes 07 seconds East a distance of 247.28 feet to a point of tangency, Thence 48) South 68 degrees 43 minutes 49 seconds East a distance of 195.83 feet to a point of curvature, Thence 49)

along a curve to the right having a radius of 825.00 feet and a curve length of 222.14 feet as described by the chord South 61 degrees 00 minutes 59 seconds East a distance of 221.47 feet to a point of tangency, Thence 50) South 53 degrees 18 minutes 10 seconds East a distance of 138.95 feet to a point of curvature, Thence 51) along a curve to the right having a radius of 425.00 feet and a curve length of 315.12 feet as described by the chord South 32 degrees 03 minutes 42 seconds East a distance of 307.95 feet to a point of tangency, Thence 52) South 10 degrees 49 minutes 15 seconds East a distance of 163.35 feet to a point of curvature, Thence 53) along a curve to the right having a radius of 925.00 feet and a curve length of 450.82 feet as described by the chord South 03 degrees 08 minutes 28 seconds West a distance of 446.37 feet to a point of tangency, Thence 54) South 17 degrees 06 minutes 12 seconds West a distance of 399.98 feet to a point of curvature, Thence 55) along a curve to the left having a radius of 496.00 feet and a curve length of 466.56 feet as described by the chord South 09 degrees 50 minutes 39 seconds East a distance of 449.55 feet to a point of tangency, Thence 56) South 36 degrees 47 minutes 29 seconds East a distance of 158.93 feet to a point of curvature, Thence 57) along a curve to the right having a radius of 375.00 feet and a curve length of 157.59 feet as described by the chord South 24 degrees 45 minutes 08 seconds East a distance of 156.44 feet to a point of tangency, Thence 58) South 12 degrees 42 minutes 47 seconds East a distance of 580.28 feet to a point of curvature, Thence 59) along a curve to the right having a radius of 375.00 feet and a curve length of 50.26 feet as described by the chord South 08 degrees 52 minutes 25 seconds East a distance of 50.22 feet to a point of tangency, Thence 60) South 05 degrees 02 minutes 03 seconds East a distance of 145.08 feet to a point of curvature, Thence 61) along a curve to the right having a radius of 546.00 feet and a curve length of 158.32 feet as described by the chord South 03 degrees 16 minutes 20 seconds West a distance of 157.77 feet to a point of tangency, Thence 62) South 11 degrees 34 minutes 45 seconds East a distance of 95.38 feet to a point, Thence 63) South 85 degrees 20 minutes 05 seconds West a distance of 5.93 feet to the northwesterly corner of the lands now or formerly of Sunshine, Thence along the lands now or formerly of Sunshine on the following three courses and distances, 64) South 05 degrees 33 minutes 03 seconds West a distance of 70.28 feet to a point, Thence 65) South 12 degrees 33 minutes 45 seconds West a distance of 86.60 feet to a point, Thence 66) South 16 degrees 40 minutes 34 seconds West a distance of 100.27 feet to a point, Thence 67) South 17 degrees 16 minutes 08 seconds West a distance of 278.95 feet to a point on the northerly line of Thompsonville Road, Thence 68) along the northerly line of Thompsonville Road, North 69 degrees 03 minutes 45 seconds West a distance of 90.60 feet to the point of beginning. The above described Right of Way contains 9.17 acres of land.



EXHIBIT B

*New Road ROW*



LEGAL DESCRIPTION OF NEW ROAD

All that certain piece or parcel of land situated in the Town of Thompson, County of Sullivan, State of New York and being designated as "New Road" on a map entitled "Map of New Road prepared for EPT Concord II, LLC", being more particularly bounded and described as follows:

FROM A POINT formed along the easterly side of Joyland Road marking the division line between the lands N/F of Peck to the north and Lands N/F of EPT Concord II, LLC to the south, also known as "Parcel B" as shown on a map entitled "Topographic Lot Consolidation Survey prepared for EPT Concord II, LLC" dated September 15, 2012; thence along the easterly side of Joyland Road South 14°27'11" West a distance of 5.52 feet to the POINT OF BEGINNING;

RUNNING THENCE through the lands N/F of EPT Concord II, LLC "Parcel B" the following two-(2) courses and distances;

- 1) South 64°09'54" East a distance of 417.65 feet to a point;
- 2) Along a curve to the right having a radius of 278.00 feet and an arc length of 272.88 feet to a point;

THENCE along the westerly boundary of Towner Road the Following two-(2) courses and distances;

- 1) South 85°16'21" West a distance of 44.02 feet to a point;
- 2) South 19°56'21" West a distance of 163.24 feet to a point;

THENCE along the southerly boundary of lands N/F of EPT Concord II, LLC "Parcel B" the following two-(2) courses and distances:

- 1) North 71°10'47" West a distance of 8.45 feet to a point;
- 2) North 61°40'46" West a distance of 41.44 feet to a point;

THENCE through the lands N/F of EPT Concord II, LLC the following three-(3) courses and distances;

- 1) North 22°11'09" East a distance of 39.64 feet to a point;
- 2) Along a curve to the left having a radius of 158.00 feet and an arc length of 237.26 feet to a point;

LEGAL DESCRIPTION OF NEW ROAD

3) North  $66^{\circ}33'07''$  West a distance of 391.41 feet to a point;

THENCE along the easterly side of Joyland Road North  $14^{\circ}27'11''$  East a distance of 139.04 feet to the POINT OF BEGINNING.

Containing within said bounds 85,029.3 sq. ft. (1.952 Ac.) of land more or less.

In the Matter of the Laying Out  
of the Roads indicated on the  
Map of New Road as a Public  
Highway in the Town of  
Thompson, Sullivan County,  
New York

**ORDER OF TOWN SUPERINTENDENT OF HIGHWAYS**  
**ACCEPTING DEDICATION**

An Irrevocable Offer of Dedication, dated October 31, 2017, of certain lands described therein for highway purposes in the Town of Thompson, having been filed with the undersigned, together with the written consent of the Town Board of the Town of Thompson, being endorsed thereon and attached hereto,

NOW, THEREFORE, I, as Superintendent of Highways of the Town of Thompson, Sullivan County, New York, do hereby

ORDER that the lands described on Schedule "A" annexed hereto be and the same hereby are laid out and accepted as a public highway of the Town of Thompson, Sullivan County, New York.

The highways described above shall be known as "Resorts World Drive".

Dated: November 09, 2017



---

Richard L. Benjamin, Jr.  
Town Highway Superintendent  
Town of Thompson, Sullivan County,  
New York

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 November 08,  
2017

**RESOLUTION TO APPROVE NAME FOR NEW ROAD IN THE ADELAAR RESORT  
AREA TO BE "RESORTS WORLD DRIVE"**

**WHEREAS**, a request has been made by Entertainment Properties Resort (EPR), the Master Developer of the Adelaar Planned Resort Development (PRD) for the Town Board to name a newly constructed roadway within the PRD; and

**WHEREAS**, EPR has reconstructed and reconfigured a roadway that was previously known, in part, as Chalet Road. This portion of roadway was reconstructed to join and become a part of Resorts World Drive that connects the main entrance to the resort/casino with the future waterpark and other amenities within the PRD. A legal description of the new roadway is attached hereto and made a part hereof; and

**WHEREAS**, Resorts World Drive was previously named via Resolution No. 269 of 2017 and filed with Sullivan County Real Property Tax Services on September 26, 2017, and it is the desire of the applicant to name the portion of Chalet Road to Resorts World Drive since it now connects with the previously named section.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Thompson that:

1. That the Town Board of the Town of Thompson does hereby rename that portion of Chalet Road which has been reconstructed and reconfigured to "Resorts World Drive"; and

**BE IT FURTHER RESOLVED**, by the Town Board of the Town of Thompson that:

1. The Town Clerk is hereby directed to notify the Sullivan County 911 Control Center of said change and request that it notify all property owners, Town of Thompson Highway Superintendent and Emergency Services accordingly.

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

Adopted the 8th of November, 2017.

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 S. MACE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman JOHN A. PAVESE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

STATE OF NEW YORK )  
COUNTY OF SULLIVAN) SS:

The undersigned, Town Clerk of the Town of Thompson, does hereby certify that the resolution annexed hereto was adopted by said Town Board on November 08, 2017, a majority of all Board members voting in favor thereof, and the same has been compared with the original on file in my office and is a true and correct copy of said original and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on November 14, 2017.

Marilee J. Calhoun  
Marilee J. Calhoun, Town Clerk



LEGAL DESCRIPTION OF NEW ROAD

All that certain piece or parcel of land situated in the Town of Thompson, County of Sullivan, State of New York and being designated as "New Road" on a map entitled "Map of New Road prepared for EPT Concord II, LLC", being more particularly bounded and described as follows:

FROM A POINT formed along the easterly side of Joyland Road marking the division line between the lands N/F of Peck to the north and Lands N/F of EPT Concord II, LLC to the south, also known as "Parcel B" as shown on a map entitled "Topographic Lot Consolidation Survey prepared for EPT Concord II, LLC" dated September 15, 2012; thence along the easterly side of Joyland Road South  $14^{\circ}27'11''$  West a distance of 5.52 feet to the POINT OF BEGINNING;

RUNNING THENCE through the lands N/F of EPT Concord II, LLC "Parcel B" the following two-(2) courses and distances;

- 1) South  $64^{\circ}09'54''$  East a distance of 417.65 feet to a point;
- 2) Along a curve to the right having a radius of 278.00 feet and an arc length of 272.88 feet to a point;

THENCE along the westerly boundary of Towner Road the Following two-(2) courses and distances;

- 1) South  $85^{\circ}16'21''$  West a distance of 44.02 feet to a point;
- 2) South  $09^{\circ}56'21''$  West a distance of 163.24 feet to a point;

THENCE along the southerly boundary of lands N/F of EPT Concord II, LLC "Parcel B" North  $71^{\circ}10'47''$  West a distance of 41.44 feet to a point;

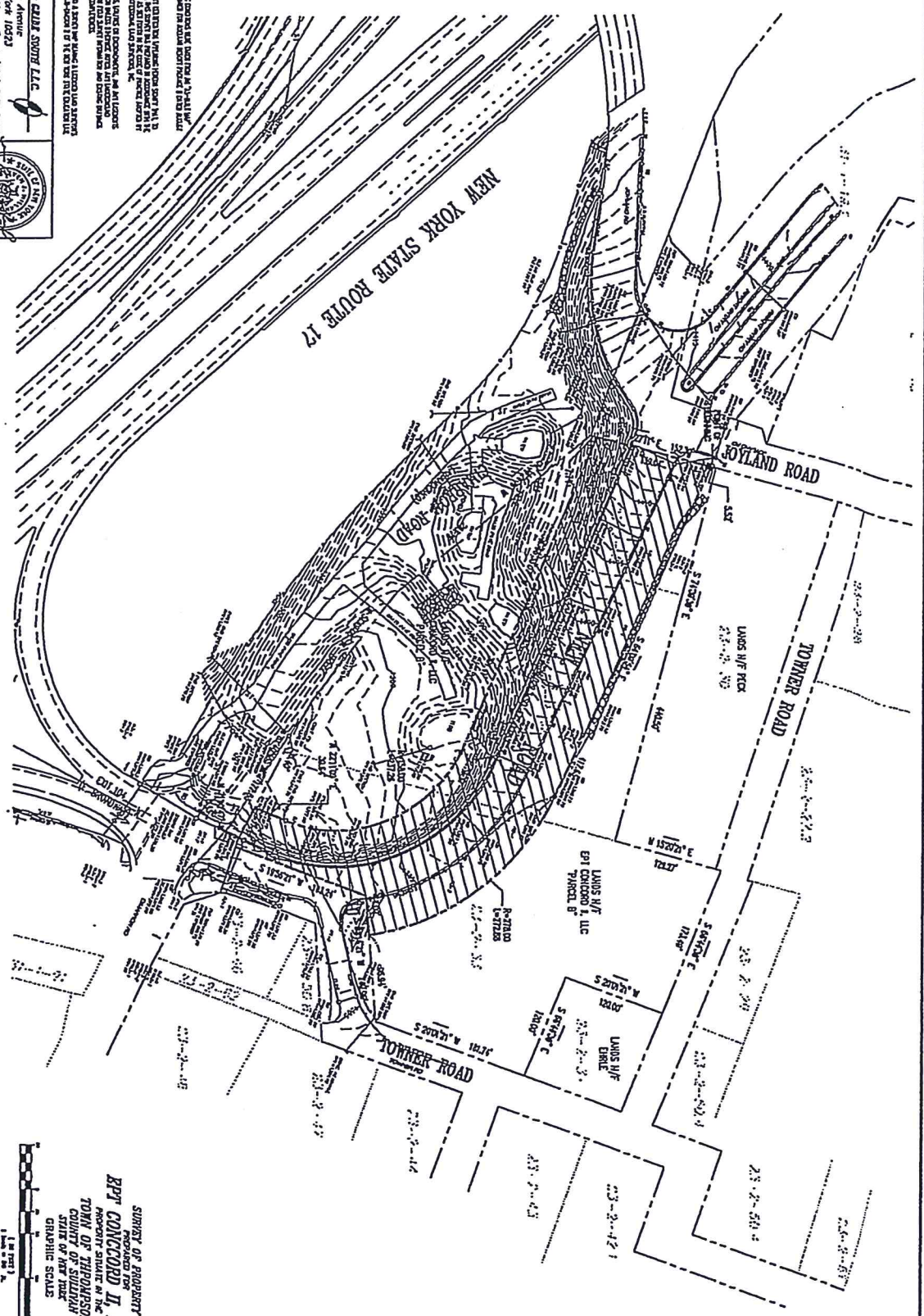
THENCE through the lands N/F of EPT Concord II, LLC the following three-(3) courses and distances;

- 1) North  $22^{\circ}11'09''$  East a distance of 39.64 feet to a point;
- 2) Along a curve to the left having a radius of 158.00 feet and an arc length of 237.26 feet to a point;
- 3) North  $66^{\circ}33'07''$  West a distance of 391.41 feet to a point;

LEGAL DESCRIPTION OF NEW ROAD

THENCE along the easterly side of Joyland Road North  $14^{\circ}27'11''$  East a distance of 139.04 feet to the POINT OF BEGINNING.





GENERAL INFORMATION AND RECORDING INFORMATION: THIS MAP WAS PREPARED BY THE ENGINEER AND SURVEYOR IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF THE PROFESSION OF ENGINEER AND SURVEYOR. THE ENGINEER AND SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED HEREON IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF. THE ENGINEER AND SURVEYOR HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE AND HAS NOT OBTAINED ANY MEASUREMENTS OR DATA FROM THE SITE. THE ENGINEER AND SURVEYOR HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE AND HAS NOT OBTAINED ANY MEASUREMENTS OR DATA FROM THE SITE. THE ENGINEER AND SURVEYOR HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE AND HAS NOT OBTAINED ANY MEASUREMENTS OR DATA FROM THE SITE.



**CONTRIBUTOR: LINT & CELIA SCOTT LLC**  
 23 Hesperian Avenue  
 Arden Hill, New York 10503  
 Phone: (914) 347-3141 Fax: (914) 347-4120

**OWNER: EPT CONCORD II, LLC**  
 PROPERTY SITUATE IN THE  
 TOWN OF TEPHONSON  
 COUNTY OF SCHENECTADY  
 GRAPHIC SCALE

DATE: MAY 18, 2010  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

1 inch = 100 feet  
 GRAPHIC SCALE

Copyright © 2010, Contributors Lint & Celia Scott, All Rights Reserved.



David J. Cooper  
Jody T. Cross •  
Katelyn E. Ciolino •  
Michael J. Cunningham •  
Marsha Rubin Goldstein  
Helen Collier Mauch •  
Zachary R. Mintz •  
Daniel M. Richmond  
Kate Roberts  
Brad K. Schwartz  
Lisa F. Smith •  
David S. Steinmetz •  
Edward P. Teyber  
Michael D. Zarin

• Also admitted in D.C.  
• Also admitted in CT  
• Also admitted in NJ

December 7, 2017

*Via Regular Mail*

William J. Rieber, Jr.  
Town Supervisor, Town of Thompson  
Thompson Town Hall  
4052 Route 42  
Monticello, NY 12701

**RE: *Notice of Environmental Easement***  
**DEC Site No. C353014**

Dear Supervisor Rieber:

Attached please find a copy of an environmental easement granted to the New York State Department of Environmental Conservation ("Department") on November 2, 2017, by EPR Concord II, L.P., for property located on portions of Tax Map No. 15-1-50.1, 15-1-50.2, and 15-1-13.5, at Concord Road and Chalet Road, DEC Site No: C353014 (also known as OU-2 and OU-3, respectively).

This Environmental Easement restricts future use of the above-referenced property to commercial uses. Any on-site activity must be done in accordance with the Environmental Easement and the Site Management Plan which is incorporated into the Environmental Easement. Department approval is also required prior to any groundwater use.

Article 71, Section 71-3607 of the New York State Environmental Conservation Law requires that:

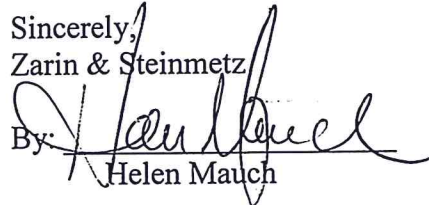
1. Whenever the department is granted an environmental easement, it shall provide each affected local government with a copy of such easement and shall also provide a copy of any documents modifying or terminating such environmental easement.
2. Whenever an affected local government receives an application for a building permit or any other application affecting land use or development of land that is subject to an environmental easement and that may relate to or impact such easement, the affected local government shall notify the department and refer such application to the department. The department shall evaluate whether the application is consistent with the environmental easement and shall notify the

affected local government of its determination in a timely fashion, considering the time frame for the local government's review of the application. The affected local government shall not approve the application until it receives approval from the department.

An electronic version of every environmental easement that has been accepted by the Department is available to the public at: <http://www.dec.ny.gov/chemical/36045.html>. Please forward this notice to your building and/or planning departments, as applicable, to ensure your compliance with these provisions of New York State Environmental Conservation Law. If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Sincerely,  
Zarin & Steinmetz

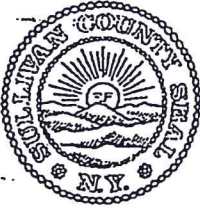
By:



Helen Mauch

(via Electronic Mail)

cc Bradford Burns, Esq.  
Office of General Counsel, NYSDEC  
Lexy Servis  
Project Manager, NYSDEC  
Paul Turvey, Esq.



SULLIVAN COUNTY – STATE OF NEW YORK  
 DANIEL L BRIGGS, COUNTY CLERK  
 100 NORTH STREET, MONTICELLO, NY 12701

COUNTY CLERK'S RECORDING PAGE

\*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\*



INSTRUMENT #: 2017-8657

Receipt#: 2017676685  
 Clerk: LM  
 Rec Date: 11/16/2017 09:56:00 AM  
 Doc Grp: RP  
 Descrip: EASEMENT  
 Num Pgs: 11  
 Rec'd Frm: NEW SOUTHERN TIER TITLE AGENCY

Party1: EPR CONCORD II LP  
 Party2: NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
 Town: THOMPSON

Recording:	
Cover Page	5.00
Recording Fee	70.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00

Sub Total: 100.00

Transfer Tax	
Transfer Tax	0.00

Sub Total: 0.00

Total: 100.00

\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
 Transfer Tax #: 1279  
 Transfer Tax  
 Consideration: 0.00

Total: 0.00

I hereby certify that the within and foregoing was recorded in the Sullivan County Clerk's Office

Record and Return To:

NEW SOUTHERN TIER TITLE AGENCY  
 P/U  
 MONTICELLO NY 12701

Daniel L. Briggs  
 Sullivan County Clerk

\*\*\*THIS IS NOT AN INVOICE\*\*\*

ENVIRONMENTAL EASEMENT GRANTED PURSUANT TO ARTICLE 71, TITLE 36  
OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW

THIS INDENTURE made this 2<sup>nd</sup> day of November, 2017 between Owner, EPR Concord II, L.P., having an office at 909 Walnut Road, Suite 200, Kansas City, Missouri 64106, (the "Grantor"), and The People of the State of New York (the "Grantee"), acting through their Commissioner of the Department of Environmental Conservation (the "Commissioner", or "NYSDEC" or "Department" as the context requires) with its headquarters located at 625 Broadway, Albany, New York 12233,

**WHEREAS**, the Legislature of the State of New York has declared that it is in the public interest to encourage the remediation of abandoned and likely contaminated properties ("sites") that threaten the health and vitality of the communities they burden while at the same time ensuring the protection of public health and the environment; and

**WHEREAS**, the Legislature of the State of New York has declared that it is in the public interest to establish within the Department a statutory environmental remediation program that includes the use of Environmental Easements as an enforceable means of ensuring the performance of operation, maintenance, and/or monitoring requirements and the restriction of future uses of the land, when an environmental remediation project leaves residual contamination at levels that have been determined to be safe for a specific use, but not all uses, or which includes engineered structures that must be maintained or protected against damage to perform properly and be effective, or which requires groundwater use or soil management restrictions; and

**WHEREAS**, the Legislature of the State of New York has declared that Environmental Easement shall mean an interest in real property, created under and subject to the provisions of Article 71, Title 36 of the New York State Environmental Conservation Law ("ECL") which contains a use restriction and/or a prohibition on the use of land in a manner inconsistent with engineering controls which are intended to ensure the long term effectiveness of a site remedial program or eliminate potential exposure pathways to hazardous waste or petroleum; and

**WHEREAS**, Grantor, is the owner of real property located at the address of 143 Chalet Road in the Town of Thompson, County of Sullivan and State of New York, known and designated on the tax map of the County Clerk of Sullivan as tax map parcel numbers: Section 15 Block 1 Lots 50.1 and 50.2, being a portion of the property conveyed to Grantor by deed dated December 20, 2013 and recorded in the Sullivan County Clerk's Office as Instrument No. 2013-9913. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 5.498 +/- acres, and is hereinafter more fully described in the Land Title Survey dated August 25, 2017 and last revised September 19, 2017 prepared by Steven J. Willard, L.L.S. of Contractors' Line & Grade South, LLC, which will be attached to the Site Management Plan. The Controlled Property description identified as "Brownfields OU-2" is set forth in and attached hereto as Schedule A; and

**WHEREAS**, Grantor, is the owner of real property located at the address of 84 Chalet Road in the Town of Thompson, County of Sullivan and State of New York, known and designated

on the tax map of the County Clerk of Sullivan as tax map parcel numbers: Section 15 Block 1 Lot 14.4, being a portion of the property conveyed to Grantor by deed dated December 20, 2013 and recorded in the Sullivan County Clerk's Office in Liber and Page 2013/9913. The property subject to this Environmental Easement (the "Controlled Property") comprises approximately 3.533 +/- acres, and is hereinafter more fully described in the Land Title Survey dated August 25, 2017 and last revised September 19, 2017 prepared by Steven J. Willard, L.L.S. of Contractors' Line & Grade South, LLC, which will be attached to the Site Management Plan. The Controlled Property description identified as "Brownfields OU-3" is set forth in and attached hereto as Schedule A; and

**WHEREAS**, the Department accepts this Environmental Easement in order to ensure the protection of public health and the environment and to achieve the requirements for remediation established for the Controlled Property until such time as this Environmental Easement is extinguished pursuant to ECL Article 71, Title 36; and

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and the terms and conditions of Brownfield Cleanup Agreement Index Number: C353014-06-15, Grantor conveys to Grantee a permanent Environmental Easement pursuant to ECL Article 71, Title 36 in, on, over, under, and upon the Controlled Property as more fully described herein ("Environmental Easement").

1. Purposes. Grantor and Grantee acknowledge that the Purposes of this Environmental Easement are: to convey to Grantee real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means of encouraging the reuse and redevelopment of this Controlled Property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements; and to ensure the restriction of future uses of the land that are inconsistent with the above-stated purpose.

2. Institutional and Engineering Controls. The controls and requirements listed in the Department approved Site Management Plan ("SMP") including any and all Department approved amendments to the SMP are incorporated into and made part of this Environmental Easement. These controls and requirements apply to the use of the Controlled Property, run with the land, are binding on the Grantor and the Grantor's successors and assigns, and are enforceable in law or equity against any owner of the Controlled Property, any lessees and any person using the Controlled Property.

A. (1) The Controlled Property may be used for:

**Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)(ii),  
Commercial as described in 6 NYCRR Part 375-1.8(g)(2)(iii) and Industrial  
as described in 6 NYCRR Part 375-1.8(g)(2)(iv)**

(2) All Engineering Controls must be operated and maintained as specified in the Site Management Plan (SMP);

(3) All Engineering Controls must be inspected at a frequency and in a manner defined in the SMP;

(4) The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Sullivan County Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department;

(5) Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;

(6) Data and information pertinent to Site Management of the Controlled Property must be reported at the frequency and in a manner defined in the SMP;

(7) All future activities on the property that will disturb remaining contaminated material must be conducted in accordance with the SMP;

(8) Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;

(9) Operation, maintenance, monitoring, inspection, and reporting of any mechanical or physical components of the remedy shall be performed as defined in the SMP;

(10) Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by this Environmental Easement.

B. The Controlled Property shall not be used for Residential purposes as defined in 6NYCRR 375-1.8(g)(2)(i), and the above-stated engineering controls may not be discontinued without an amendment or extinguishment of this Environmental Easement.

C. The SMP describes obligations that the Grantor assumes on behalf of Grantor, its successors and assigns. The Grantor's assumption of the obligations contained in the SMP which may include sampling, monitoring, and/or operating a treatment system, and providing certified reports to the NYSDEC, is and remains a fundamental element of the Department's determination that the Controlled Property is safe for a specific use, but not all uses. The SMP may be modified in accordance with the Department's statutory and regulatory authority. The Grantor and all successors and assigns, assume the burden of complying with the SMP and obtaining an up-to-date version of the SMP from:

Site Control Section  
Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany, New York 12233  
Phone: (518) 402-9553

D. Grantor must provide all persons who acquire any interest in the Controlled Property a true and complete copy of the SMP that the Department approves for the Controlled Property and all Department-approved amendments to that SMP.

E. Grantor covenants and agrees that until such time as the Environmental Easement is extinguished in accordance with the requirements of ECL Article 71, Title 36 of the ECL, the property deed and all subsequent instruments of conveyance relating to the Controlled Property shall state in at least fifteen-point bold-faced type:

**This property is subject to an Environmental Easement held by the New York State Department of Environmental Conservation pursuant to Title 36 of Article 71 of the Environmental Conservation Law.**

F. Grantor covenants and agrees that this Environmental Easement shall be incorporated in full or by reference in any leases, licenses, or other instruments granting a right to use the Controlled Property.

G. Grantor covenants and agrees that it shall, at such time as NYSDEC may require, submit to NYSDEC a written statement by an expert the NYSDEC may find acceptable certifying under penalty of perjury, in such form and manner as the Department may require, that:

(1) the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the individual set forth at 6 NYCRR Part 375-1.8(h)(3).

(2) the institutional controls and/or engineering controls employed at such site:

(i) are in-place;

(ii) are unchanged from the previous certification, or that any identified changes to the controls employed were approved by the NYSDEC and that all controls are in the Department-approved format; and

(iii) that nothing has occurred that would impair the ability of such control to protect the public health and environment;

(3) the owner will continue to allow access to such real property to evaluate the continued maintenance of such controls;

(4) nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

(5) the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

(6) to the best of his/her knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and

(7) the information presented is accurate and complete.

3. Right to Enter and Inspect. Grantee, its agents, employees, or other representatives of the State may enter and inspect the Controlled Property in a reasonable manner and at reasonable times to assure compliance with the above-stated restrictions.



4. Reserved Grantor's Rights. Grantor reserves for itself, its assigns, representatives, and successors in interest with respect to the Property, all rights as fee owner of the Property, including:

A. Use of the Controlled Property for all purposes not inconsistent with, or limited by the terms of this Environmental Easement;

B. The right to give, sell, assign, or otherwise transfer part or all of the underlying fee interest to the Controlled Property, subject and subordinate to this Environmental Easement;

5. Enforcement

A. This Environmental Easement is enforceable in law or equity in perpetuity by Grantor, Grantee, or any affected local government, as defined in ECL Section 71-3603, against the owner of the Property, any lessees, and any person using the land. Enforcement shall not be defeated because of any subsequent adverse possession, laches, estoppel, or waiver. It is not a defense in any action to enforce this Environmental Easement that: it is not appurtenant to an interest in real property; it is not of a character that has been recognized traditionally at common law; it imposes a negative burden; it imposes affirmative obligations upon the owner of any interest in the burdened property; the benefit does not touch or concern real property; there is no privity of estate or of contract; or it imposes an unreasonable restraint on alienation.

B. If any person violates this Environmental Easement, the Grantee may revoke the Certificate of Completion with respect to the Controlled Property.

C. Grantee shall notify Grantor of a breach or suspected breach of any of the terms of this Environmental Easement. Such notice shall set forth how Grantor can cure such breach or suspected breach and give Grantor a reasonable amount of time from the date of receipt of notice in which to cure. At the expiration of such period of time to cure, or any extensions granted by Grantee, the Grantee shall notify Grantor of any failure to adequately cure the breach or suspected breach, and Grantee may take any other appropriate action reasonably necessary to remedy any breach of this Environmental Easement, including the commencement of any proceedings in accordance with applicable law.

D. The failure of Grantee to enforce any of the terms contained herein shall not be deemed a waiver of any such term nor bar any enforcement rights.

6. Notice. Whenever notice to the Grantee (other than the annual certification) or approval from the Grantee is required, the Party providing such notice or seeking such approval shall identify the Controlled Property by referencing the following information:

County, NYSDEC Site Number, NYSDEC Brownfield Cleanup Agreement, State Assistance Contract or Order Number, and the County tax map number or the Liber and Page or computerized system identification number.

Parties shall address correspondence to:      Site Number: C353014  
Office of General Counsel  
NYSDEC  
625 Broadway

Albany New York 12233-5500

With a copy to:

Site Control Section  
Division of Environmental Remediation  
NYSDEC  
625 Broadway  
Albany, NY 12233

All notices and correspondence shall be delivered by hand, by registered mail or by Certified mail and return receipt requested. The Parties may provide for other means of receiving and communicating notices and responses to requests for approval.

7. Recordation. Grantor shall record this instrument, within thirty (30) days of execution of this instrument by the Commissioner or her/his authorized representative in the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

8. Amendment. Any amendment to this Environmental Easement may only be executed by the Commissioner of the New York State Department of Environmental Conservation or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

9. Extinguishment. This Environmental Easement may be extinguished only by a release by the Commissioner of the New York State Department of Environmental Conservation, or the Commissioner's Designee, and filed with the office of the recording officer for the county or counties where the Property is situated in the manner prescribed by Article 9 of the Real Property Law.

10. Joint Obligation. If there are two or more parties identified as Grantor herein, the obligations imposed by this instrument upon them shall be joint and several.

**Remainder of Page Intentionally Left Blank**

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name.

EPR Concord II, L.P.:  
 By: EPR TRS Holdings, Inc., its general partner

By: Craig L. Evans

Print Name: Craig L. Evans  
Vice Pres./Secretary

Title: \_\_\_\_\_ Date: 10/27/2017

**Grantor's Acknowledgment**


STATE OF ~~NEW YORK~~ <sup>Missouri</sup> )  
 ) ss:  
 COUNTY OF JACKSON )

On the 27<sup>th</sup> day of OCTOBER, in the year 20 17, before me, the undersigned, personally appeared CRAIG L. EVANS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Sarah E. Newham  
 Notary Public - State of New York

**SARAH E. NEWHAM**  
 Notary Public - Notary Seal  
 STATE OF MISSOURI  
 Jackson County  
 My Commission Expires: 6/14/2021  
 Commission # 13728582

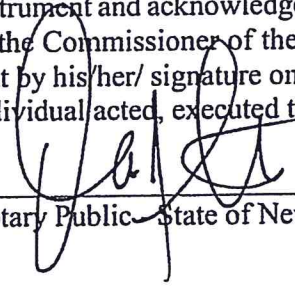
**THIS ENVIRONMENTAL EASEMENT IS HEREBY ACCEPTED BY THE PEOPLE OF THE STATE OF NEW YORK, Acting By and Through the Department of Environmental Conservation as Designee of the Commissioner,**

By:   
Robert W. Schick, Director  
Division of Environmental Remediation

**Grantee's Acknowledgment**

STATE OF NEW YORK    )  
  ) ss:  
COUNTY OF ALBANY    )

On the 2<sup>rd</sup> day of November, in the year 2017, before me, the undersigned, personally appeared Robert W. Schick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/ executed the same in his/her/ capacity as Designee of the Commissioner of the State of New York Department of Environmental Conservation, and that by his/her/ signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public - State of New York

David J. Chiusano  
Notary Public, State of New York  
No. 01CH5032146  
Qualified in Schenectady County  
Commission Expires August 22, 2018

**SCHEDULE "A" PROPERTY DESCRIPTION**

**Brownfields OU-2**

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Thompson, County of Sullivan, State of New York and being designated as part of Tax Lot 15-1-50.1 and Tax lot 15-1-50.2 as shown on the official Tax Maps of the Town of the Town of Thompson, being more particularly described as follows;

Beginning at a point on the westerly side of Chalet Road, Town Road 45 (assumed 50' ROW) said point marking the division line between Tax Lot 15-1-14.4 and Tax Lot 15-1-50.2;

Thence through Tax Lot 15-1-50.2 along the westerly side of Chalet Road, Town of Thompson Road 45 (assumed 50' ROW) the following four (4) courses and distances;

- 1) South 50°44'00" East a distance of 243.67 feet to a point;
- 2) Along a tangent curve to the right having a radius of 200 feet and an arc length of 205.06 feet to a point;
- 3) South 08°00'45" West a distance of 397.75 feet to a point;
- 4) Along a tangent curve to the right having a radius of 1375.00 feet and an arc length of 48.16 feet to a point;

Thence through the lands of Tax Lot 15-1-50.1 North 60°41'48" West a distance of 491.08 feet to a point;

Thence along the easterly boundary of Tax Lot 15-1-14.5 and Tax Lot 15-1-14.6 the following five-(5) courses and distances;

- 1) North 07°15'06" East a distance of 75.17 feet to a point;
- 2) North 17°55'47" East a distance of 156.34 feet to a point;
- 3) North 27°06'36" East a distance of 257.65 feet to a point;
- 4) North 19°47'40" East a distance of 29.74 feet to a point;
- 5) North 38°43'45" East a distance of 73.55 feet to the point and place of beginning.

Containing within said bounds, 239,476 sq. ft. (5.498 AC.) of land more or less.

**Brownfields OU-3**

All that plot, piece or parcel of land, situate, lying and being in the Town of Thompson, County of Sullivan, State of New York and designated as part of Tax Lot 15-1-14.4 as shown on the official Tax Maps of the Town of Thompson, being more particularly described as follows;

Beginning at a point along the westerly boundary of Tax Lot 15-1-35.7, said point marking the division line between Tax Lots 15-1-11.1 and Tax lot 15-1-14.4;

Thence along the westerly boundary of Tax Lot 15-1-35.7 the following two (2) course and distances;

- 1) South  $13^{\circ}22'16''$  West a distance of 180.19 feet to a point;
- 2) South  $21^{\circ}15'19''$  West a distance of 91.18 feet to a point;

Thence through the lands of Tax Lot 15-1-14.4 the following four courses and distances;

- 1) South  $87^{\circ}06'34''$  West a distance of 426.46 feet to a point;
- 2) North  $04^{\circ}04'55''$  East a distance of 331.10 feet to a point;
- 3) North  $84^{\circ}18'45''$  East a distance of 97.94 feet to a point;
- 4) North  $05^{\circ}06'06''$  East a distance of 73.61 feet to a point;

Thence along the lands of Tax lot 15-1-11.1, South  $70^{\circ}35'00''$  East a distance of 395.56 feet to the point and place of beginning.

Containing within said bounds, 153,886 sq. ft. (3.533 Ac.) of land more or less.

45'  
⑩ 50.60  
5.60  
-----  
100.60

# Sutton Land Title Agency

A Sutton Alliance Company

## Corporate Office

515 Rockaway Avenue, Valley Stream, NY 11581  
tel: 516.837.6100 fax: 516.837.6400  
www.suttonalliance.com

## Branch Offices

1323 Highway 34, Aberdeen, NJ 07747  
tel: 732.696.9700 fax: 732.696.9711

1000 South Federal Highway, Suite 101, Stuart, FL 34994  
tel: 772.781.8755 fax: 772.283.8655

November 30, 2017

Town of Thompson  
Receiver of Taxes  
4052 Route 42  
Monticello, NY 12701

Re: Title Number: SLTA-CO-1708  
Premises: 39 Terry Lane  
Town: Thompson  
School District: Monticello  
Section: 126.  
Block: 1  
Lot: 3.1

To Whom It May Concern:

Enclosed herewith is check number 19357, drawn to the order of Town of Thompson, Receiver of Taxes, in the amount of \$42,648.00. This money is to be applied to referenced premises for the 2018 Town Tax.

Please send a receipt for this payment to the office of Sutton Land Services, LLC, at the above address. Kindly use our title number, SLTA-CO-1708, as reference on all correspondence.

Sincerely,

Sutton Land Title Agency

By   
Michele Moskowitz

MM:jc  
Enclosure

Sutton Land Services, LLC  
515 Rockaway Avenue  
Valley Stream, NY 11581

Sullivan  
S: 126.  
B: 1  
L: 3.1

Citibank, NA

19357

FILE NO: SLTA-CO-1708

**VOID AFTER 90 DAYS**

DATE:  
11/30/2017

AMOUNT  
42,648.00

PAY Forty-Two Thousand Six Hundred Forty-Eight and 00/100

TO THE ORDER OF Town of Thompson, Receiver of Taxes

2018 Town Tax

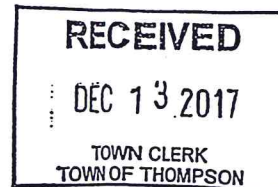


*Catherine C. Kopel*  
Authorized Signature

Property: 39 Terry Lane  
NY-

⑈0000019357⑈ ⑆021000089⑆ 9992077086





**TOWN OF MAMAKATING  
NOTICE OF HEARING  
INTRODUCTORY LOCAL LAW  
AMENDMENT OF REGULATION OF SOLAR ENERGY SYSTEMS**

PUBLIC NOTICE is hereby given that there has been introduced before the Town Board of the Town of Mamakating, New York, on December 5, 2017, a local law titled "Amendment of Regulation of Solar Energy Systems," which local law would amend the Town's zoning requirements governing large-scale solar energy systems. A complete copy of the Introductory Local Law is available for inspection at the Town Clerk's Office.

NOW, THEREFORE, pursuant to Section 20 of the Municipal Home Rule Law, the Town Board of the Town of Mamakating, New York, will hold a public hearing on the aforesaid Local Law at the Town Hall, 2948 Route 209, Wurtsboro, New York, on December 28, 2017, at 6:00 P.M., at which time all persons interested therein shall be heard.

The Town of Mamakating will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

Dated: December 8, 2017

BY ORDER OF THE TOWN BOARD OF THE  
TOWN OF MAMAKATING

JEAN M. DOUGHERTY, TOWN CLERK



**TOWN OF MAMAKATING  
NOTICE OF JOINT HEARING  
INTRODUCTORY LOCAL LAW  
PROHIBITION OF EXTRACTIVE OPERATIONS IN LIO ZONING DISTRICT  
AND  
PROPOSED AMENDMENT OF 2001 COMPREHENSIVE PLAN**

PUBLIC NOTICE is hereby given that there has been introduced before the Town Board of the Town of Mamakating, New York, on December 5, 2017, a local law titled "Prohibition Of Extractive Operations In LIO Zoning District," which local law would delete mining and other "extractive operations" as a Special Use in the LIO (Light Industry/Office) zoning district.

PUBLIC NOTICE is hereby given that the Town Board is considering an amendment of the Town's 2001 Comprehensive Plan related to the proposed local law.

A complete copy of the Introductory Local Law and proposed amendment of the 2001 Comprehensive Plan are available for inspection at the Town Clerk's Office.

PLEASE TAKE NOTICE that the Town Board of the Town of Mamakating, New York, will hold a public hearing on the aforesaid proposed Local Law and proposed amendment to the 2001 Comprehensive Plan at the Town Hall, 2948 Route 209, Wurtsboro, New York, on January 2, 2018, at 6:00 P.M., at which time all persons interested therein shall be heard.

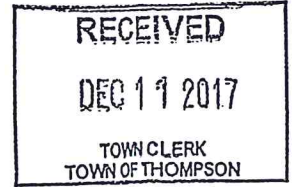
The Town of Mamakating will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

Dated: December 8, 2017

BY ORDER OF THE TOWN BOARD OF THE  
TOWN OF MAMAKATING

JEAN M. DOUGHERTY, TOWN CLERK

TOWN OF MAMAKATING  
ZONING BOARD OF APPEALS  
2948 ROUTE 209  
WURTSBORO, NEW YORK 12790



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Town of Mamakating will hold a Public Hearing on the 28th day of December, 2017 at 7:00 p.m. or as soon thereafter as the matter can be heard concerning the matter of:

Christopher DeCarlo for an Area Variance for the purpose of a 24' x 33' garage closer to the street wall of the dwelling. The property is located at 221 Canal Road; Town of Mamakating Tax Map Section 61; Block 5; Lot 2. The property lies in the Neighborhood Residential Zone.

The application is available for review Monday thru Friday at the Town Hall, 2948 Route 209, Wurtsboro, New York.

The Zoning Board of Appeals will hear all persons interested at the aforementioned time and place.

By Order of the Planning Board  
Matthew Mordas, Chairman

AI

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 December 19,  
2017

**RESOLUTION TO ENACT LOCAL LAW NO. \_\_\_\_ OF 2017**

**WHEREAS**, proposed Local Law No. 08 of the year 2017 entitled, "A local law amending Chapter 52 of the Town of Thompson Code entitled 'Planning Board and Zoning Board of Appeals' and Chapter 250 entitled 'Zoning and Planned Unit Development' of the Town of Thompson Code" was introduced to the Town Board at a meeting held November 08, 2017, at the Town Hall, Monticello, New York, to consider said proposed local law and notice of public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing deeming to be heard having been heard, and

**WHEREAS**, said local law was duly adopted after a public hearing.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Thompson, New York, does hereby enact and adopt Local Law No. \_\_\_\_ for the year 2017, Town of Thompson, State of New York, which local law is annexed hereto and made a part hereof.

Moved by:

Seconded by:

Adopted on Motion December 19, 2017

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

STATE OF NEW YORK )

COUNTY OF SULLIVAN (ss.:

The undersigned, Town Clerk of the Town of Thompson, does hereby certify that the resolution annexed hereto to enact Local Law No. \_\_\_\_ of 2017 was adopted by said Town Board on December 19, 2017, a majority of all Board members voting in favor thereof, and the same has been compared with the original on file in my office and is a true and correct copy of said original and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on December \_\_\_\_, 2017.

---

Marilee J. Calhoun, Town Clerk

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 December 19,  
2017

**RESOLUTION TO ENACT LOCAL LAW NO. \_\_\_\_ OF 2017**

**WHEREAS**, proposed Local Law No. 09 of the year 2017 entitled, "A local law to amend Chapter 48 Section 15 of the Town of Thompson Code regarding Health Insurance" was introduced to the Town Board at a meeting held November 21, 2017, at the Town Hall, Monticello, New York, to consider said proposed local law and notice of public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing deeming to be heard having been heard, and

**WHEREAS**, said local law was duly adopted after a public hearing.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Thompson, New York, does hereby enact and adopt Local Law No. \_\_\_\_ for the year 2017, Town of Thompson, State of New York, which local law is annexed hereto and made a part hereof.

Moved by:

Seconded by:

Adopted on Motion: December 19, 2017.

Supervisor WILLIAM J. RIEBER, JR.  
Councilman PETER T. BRIGGS  
Councilman RICHARD SUSH  
Councilman SCOTT S. MACE  
Councilman JOHN A. PAVESE

Yes  No   
Yes  No   
Yes  No   
Yes  No   
Yes  No

STATE OF NEW YORK )

COUNTY OF SULLIVAN) SS:

The undersigned, Town Clerk of the Town of Thompson, does hereby certify that the resolution annexed hereto to enact Local Law No. \_\_\_\_\_ of 2017 was adopted by said Town Board on December 19, 2017, a majority of all Board members voting in favor thereof, and the same has been compared with the original on file in my office and is a true and correct copy of said original and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on December 19, 2017.

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

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 December 19,  
2017

RESOLUTION TO ENACT LOCAL LAW NO. \_\_\_ of 2017

WHEREAS, proposed Local Law No. 10 of the year 2017 entitled, "A local law to amend the Town of Thompson Code, Chapter 197, entitled 'Sewers'" was presented to the Town Board at a meeting held December 05, 2017, at the Town Hall, Monticello, New York, to consider said proposed local law and Special District Assessment Hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing deeming to be heard having been heard,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Thompson, New York, does hereby enact and adopt Local Law No. \_\_\_ for the year 2017, Town of Thompson, State of New York, which local law is annexed hereto and made a part hereof.

Moved by:

Seconded by:

Adopted on Motion: December 19, 2017

Supervisor WILLIAM J. RIEBER JR.

Yes  No

Councilman PETER T. BRIGGS

Yes  No

Councilman RICHARD SUSH

Yes  No

Councilman SCOTT S. MACE

Yes  No

Councilman JOHN A. PAVESE

Yes  No



STATE OF NEW YORK )

COUNTY OF SULLIVAN) SS:

The undersigned, Town Clerk of the Town of Thompson, does hereby certify that the resolution annexed hereto to enact Local Law No. \_\_\_\_ of 2017 was adopted by said Town Board on December 19, 2017, a majority of all Board members voting in favor thereof, and the same has been compared with the original on file in my office and is a true and correct copy of said original and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on December \_\_\_\_, 2017.

---

Marilee J. Calhoun, Town Clerk



**marilee (clerk-town of thompson)**

---

**From:** David Fritts <DFritts@mhepc.com>  
**Sent:** Thursday, November 30, 2017 7:31 AM  
**To:** Bill Rieber; mmessenger@townofthompson.com; Mednick Law Office; marilee@townofthompson.com  
**Cc:** Ana Nielsen; Michael Weeks; Matthew Sickler; Susan Howard; glasher@townofthompson.com  
**Subject:** FW: Agreements\_Thompson  
**Attachments:** Emerald Green PS9\_Agreement\_11-29-17.pdf; Melody Watermain Agreement\_11-27-17.pdf; Amended Water System Agreement\_11-29-17.pdf; Amended Dillon Farms Agreement\_11-27-17.pdf

Good morning....as a follow up to our meeting with Bill Rieber and Mike Messenger on Monday, attached, please find agreements (executed by our office) for Emerald Green PS 9 and Melody Water main replacement, as well as letter amendments for our existing agreements to Dillon Farms and Melody Lake water system improvements in order to prepare design plans and construction documents, which were not part of the scope of the original agreements.

I will drop off the original versions of the above at the Supervisors office today.

Thanks, and always, please let me know if anyone has any questions or requires anything additional.

David A. Fritts, CPESC  
Associate - Director of Construction

*McGoey, Hauser and Edsall, C.E., D.P.C.*  
111 Wheatfield Drive, Suite 1  
Milford, PA 18337  
c: 845.494.0076  
p: 570.296.2765  
f: 570.296.2767

---

**From:** Ana Nielsen  
**Sent:** Wednesday, November 29, 2017 11:28 AM  
**To:** David Fritts <DFritts@mhepc.com>  
**Subject:** Agreements\_Thompson

Dave,

Attached please find the Emerald Green P.S. 9 Agreement, the Melody Watermain Agreement, the Melody Amended Water System Agreement and the Amended Dillon Farms Agreement for your use.

Ana Nielsen  
Administrative Assistant  
McGoey, Hauser & Edsall, DPC  
111 Wheatfield Drive, Suite 1  
Milford, PA 18337

**William J. Rieber, Jr.**

---

**From:** Schmit, Christina (DMV) <Christina.Schmit@dmv.ny.gov>  
**Sent:** Thursday, December 07, 2017 12:43 PM  
**To:** supervisor@townofthompson.com  
**Subject:** 2018 NYS DMV Hearing Room Agreement  
**Attachments:** Town of Thompson Hearing Room Rental MOU 2018 DRAFT.rtf

Good afternoon

Attached is the Hearing Room Agreement for 2018. If acceptable, please sign and return two (2) original agreements to my attention and I will have DMV countersign and return a fully executed copy to your attention.

If you have any questions or concerns, please do not hesitate to contact me.

Thank you.

*Christina Schmit  
NYS Department of Motor Vehicles  
Procurement Services  
6 ESP, Room 224  
Albany, NY 12228  
518.402.2824  
fax: 518.402.2320  
[christina.schmit@dmv.ny.gov](mailto:christina.schmit@dmv.ny.gov)*

## AGREEMENT

This Agreement is made by and between the New York State Department of Motor Vehicles ("DMV"), located at 6 Empire Plaza, Swan Street Building, Albany, New York 12228, and the Town of Thompson (the "Town"), located at 4052 Route 42, Monticello, New York 12701. DMV and the Town shall collectively be referred to herein as the "Parties".

The purpose of this Agreement is for the rental of the currently used Hearing Room in the Thompson Town Hall, located at 4052 Route 42, Monticello, New York, for conducting DMV Safety and Business Hearings.

The Parties agree as follows:

1. **TERM & HOURS OF USE:** This Agreement shall take effect on January 1, 2018 and will remain in effect for a period of one (1) year, ending on December 31, 2018, with the option to amend or extend for additional one (1) year periods. DMV shall use the Hearing Room from no more than two days each week, between the hours of 9:00 A.M. and 4:30 P.M.

2. **FEE:** DMV shall pay the Town One Hundred Dollars (\$100.00) per diem to reserve said Hearing Room for DMV's use. Payment shall be made monthly, upon DMV's receipt of the Town's invoice for payment. DMV's failure to actually make use of the Hearing Room as provided herein shall not decrease the rental fee for such period.

3. **CHANGE OF SCHEDULED USE OR LOCATION OF HEARING ROOM:** The Town shall make such Hearing Room available to DMV as scheduled. However, the Parties agree to make reasonable effort to accommodate each other's scheduling needs concerning any change in the location or scheduled use of the Hearing Room.

- a. **NOTICE OF CHANGE:** In the event DMV requires a change of the dates the Hearing Room will be used, or the Town needs to change the Hearing Room another location, the party requesting the change must provide the other party with written notice of such changes no later than 45 days before the next scheduled use date.
- b. The Town agrees that any change in location shall be to similar accommodations located in the same building, where possible, or to a building located in the same town.

Such similar accommodations must (a) be within a reasonable distance from the current site, and (b) provide adequate parking, heating, air conditioning, lighting, rest room, and electrical facilities required for conducting DMV's Safety and Business Hearings.

- c. DMV's use of the Hearing Room less than two days per week in any month shall not constitute a waiver of DMV's right to use the room as scheduled in any subsequent month.

4. **ACCESS TO HEARING ROOM:** The Town shall provide access to the Hearing Room to all individuals required for the conduct of such hearings, including all parties and witnesses.

5. The Town shall provide janitorial and maintenance services to the premises; and DMV will make reasonable effort to keep the Hearing Room clean and orderly.

6. TERMINATION: Either party may terminate this Agreement upon sixty (60) days' written notice to the other party.

Notice of termination must be directed as follows:

TO DMV: Michelle Manzione Senior Administrative Law Judge 803 Axinn Avenue Garden City, NY 11530	TO TOWN: Honorable William J. Rieber, Jr. Town Supervisor Town of Thompson 4052 Route 42 Monticello, New York 12701
--	--

In Witness Whereof, the Parties hereto have executed this agreement by their duly authorized officer or representative.

Dated: \_\_\_\_\_

<b>Town of Thompson</b> By,  _____ William J. Rieber, Jr. Town Supervisor	<b>New York State Department of Motor Vehicles</b> By,  _____ Elizabeth Coalts Director, Procurement Service
--	---

**William J. Rieber, Jr.**

---

**From:** cce@frontiernet.net  
**Sent:** Friday, December 08, 2017 11:14 AM  
**To:** Jr. William J. Rieber  
**Subject:** Emerald Green pump station 9/Harris pump station  
**Attachments:** Thompson - Emerald Green.pdf

Bill,  
We have been paid for the Harris Pump station survey. However, we have not been paid for the extra work we did at Emerald Green for the re-location of Pump Station 9. I am attaching a copy of our previous statement. We never received a purchase order for this work but completed the same at the request of Matt Sickler after it was decided to relocate the Pump Station. Matt needed the work completed as quickly as possible to finalize the bid documents. Accordingly, we proceeded with the additional work without the order and billed for the same after we completed the additional work the back in August. You have my assurance that the attached statement is correct and still outstanding. If you have any questions with this, please do not hesitate to contact me.

Ray Close, P.L.S.  
Conrad, Close & Ewald, P.C.  
161 Jersey Avenue  
Port Jervis, NY 12771  
P - 845-856-8713  
Fax - 845-856-2589  
email cce@frontiernet.net



Virus-free. [www.avg.com](http://www.avg.com)

CONRAD, CLOSE & EWALD, P.C.  
PROFESSIONAL LAND SURVEYORS  
LICENSED FOR PRACTICE IN NY, NJ, PA, NH & CA

61 JERSEY AVENUE  
PORT JERVIS, NEW YORK 12771  
PHONE (845) 856-8713  
FAX (845) 856-2589  
E-MAIL: CCE@FRONTIERNET.NET  
 PLEASE REPLY TO

P.O. BOX 365  
MILFORD, PENNSYLVANIA 18337  
PHONE (570) 296-8393  
FAX (845) 856-2589  
E-MAIL: CCE@FRONTIERNET.NET  
 PLEASE REPLY TO

Date: August 3, 2017

To: Town of Thompson

C/O William J. Rieber, Jr.  
Town of Thompson Supervisor  
4052 State Route 42  
Monticello, NY 12701

---

For Professional Services:

(Our Dwg. No. 5468A-SUL)

Survey & Mapping of 0.53 acre Easement for Emerald Green Sewer District Pump Station No. 9 Relocated, along with additional Topography for construction of access road, situate at Davies Lake, Bristol Circle, Town of Thompson, Sullivan County, New York, as requested by Town Engineer.

\*\*\*\*\*\$1,800.00

Town Of Thompson      Dwg. No. 5468A-SUL  
C/O William J. Rieber, Jr.  
08/03/17 - Survey & Mapping of 0.53 acre  
Easement for Emerald Green Sewer District Pump  
Station No. 9 Relocated, along with additional  
topography for construction of access road,  
situate at Davies Lake, Bristol Circle, Town  
of Thompson, Sullivan Co., NY, as requested by  
Town Engineer.      \*\*\*\*\*\$1,800.00

Rich:

We have \$21,602.60 in unspent, proceeds from the Melody Lake Sewer plant construction that EFC is holding.

**We need a resolution as follows:**

- Authorizing the town to close out the project and to apply any unspent monies to reduce the loan outstanding to EFC.
- Authorizing the Supervisor to any necessary documents to accomplish this.

Bill



**William J. Rieber, Jr.**

---

**From:** Matthew Sickler <msickler@mhepc.com>  
**Sent:** Wednesday, November 29, 2017 5:22 PM  
**To:** William J. Rieber, Jr.  
**Cc:** Gary Lasher, Comptroller  
**Subject:** RE: Thompson (T) 5378-03-00 Unspent Proceeds request

Bill and Gary,

I was on vacation from the 21st and returned today. On the 20th I left a message at EFC to discuss this. I didn't get a reply.

However, the project is complete and we won't be submitting any further disbursement requests, so I think that we would want the option of putting the proceeds to principal payment.

Matt

-----Original Message-----

**From:** William J. Rieber, Jr. [mailto:supervisor@townofthompson.com]  
**Sent:** Monday, November 20, 2017 3:32 PM  
**To:** Matthew Sickler <msickler@mhepc.com>  
**Cc:** Gary Lasher, Comptroller <glasher@townofthompson.com>  
**Subject:** FW: Thompson (T) 5378-03-00 Unspent Proceeds request

Matt:

Please advise what I should do with this Bill

-----Original Message-----

**From:** Syron, Katie (EFC) [mailto:Katie.Syron@efc.ny.gov]  
**Sent:** Monday, November 20, 2017 1:10 PM  
**To:** supervisor@townofthompson.com  
**Subject:** Thompson (T) 5378-03-00 Unspent Proceeds request

Good afternoon,

Please find an attached Unspent Proceeds letter regarding your Clean Water or Drinking Water SRF Loan with EFC.

Due to the inactivity on this project, EFC is asking you for action to be taken regarding the status of your project.

Please complete the letter, have the addressee sign and return to EFC via email to me at Katie.Syron@efc.ny.gov.

If you have any questions regarding this letter, please contact your EFC Financial Analyst or myself.

Thank you!

Katie

Katie M. Syron  
Program Analyst  
NYS Environmental Facilities Corporation



# Environmental Facilities Corporation

ANDREW M. CUOMO  
Governor  
SABRINA M. TY  
President and CEO

November 16, 2017

William J. Rieber Jr.  
Supervisor  
Town of Thompson  
4052 State Route 42  
Monticello, NY 12701

Re: New York State Clean Water State Revolving Loan Fund (NYSCWSRF)  
Project No. C3-5378-03-00  
Town of Thompson

Dear Mr. Rieber:

The New York State Environmental Facilities Corporation (EFC) provided the Town of Thompson with a \$786,565 financing to support project number C3-5378-03-00 commencing on December 03, 2015.

This letter is to inform you that the town has unspent proceeds in the amount of \$21,602.60, however, a disbursement request has not been submitted for the above referenced project since August 11, 2016.

Please check the applicable statement below identifying the status of the project:

Yes, Project No. C3-5378-03-00 is complete, there will be no further requests for disbursement. Please apply all applicable proceeds toward principal debt service.

Unspent proceeds involving grant funds may necessitate a re-evaluation and possibly resizing of your grant award.

No, Project No. C3-5378-03-00 is not complete. The Town anticipates submitting a disbursement request by \_\_\_\_\_.

Authorized Representative Signature: \_\_\_\_\_

Please reply to this request on or before November 30, 2017 by email at [DisbursementRequest@efc.ny.gov](mailto:DisbursementRequest@efc.ny.gov), fax to (518) 402-7086 or standard mail. Thank you for your anticipated timely attention to this matter. If you need further assistance or information, please contact Paul Johnson at (518) 402-7085.

Sincerely,

Brian McEvoy  
Public Finance Manager

**William J. Rieber, Jr.**

---

**From:** Syron, Katie (EFC) <Katie.Syron@efc.ny.gov>  
**Sent:** Monday, November 20, 2017 1:10 PM  
**To:** supervisor@townofthompson.com  
**Subject:** Thompson (T) 5378-03-00 Unspent Proceeds request  
**Attachments:** DOC112017-11202017093234.pdf

Good afternoon,

Please find an attached Unspent Proceeds letter regarding your Clean Water or Drinking Water SRF Loan with EFC.

Due to the inactivity on this project, EFC is asking you for action to be taken regarding the status of your project.

Please complete the letter, have the addressee sign and return to EFC via email to me at [Katie.Syron@efc.ny.gov](mailto:Katie.Syron@efc.ny.gov).

If you have any questions regarding this letter, please contact your EFC Financial Analyst or myself.

Thank you!  
Katie

Katie M. Syron  
Program Analyst  
NYS Environmental Facilities Corporation  
25 Broadway, Albany, New York 12207-2997  
518.402.7461 (p) | 518.486.9248 (f) |  
[katie.syron@efc.ny.gov](mailto:katie.syron@efc.ny.gov)  
[www.efc.ny.gov](http://www.efc.ny.gov)



# Environmental Facilities Corporation

ANDREW M. CUOMO  
Governor  
SABRINA M. TY  
President and CEO

November 16, 2017

William J. Rieber Jr.  
Supervisor  
Town of Thompson  
4052 State Route 42  
Monticello, NY 12701

Re: New York State Clean Water State Revolving Loan Fund (NYSCWSRF)  
Project No. C3-5378-03-00  
Town of Thompson

Dear Mr. Rieber:

The New York State Environmental Facilities Corporation (EFC) provided the Town of Thompson with a \$786,565 financing to support project number C3-5378-03-00 commencing on December 03, 2015.

This letter is to inform you that the town has unspent proceeds in the amount of \$21,602.60, however, a disbursement request has not been submitted for the above referenced project since August 11, 2016.

Please check the applicable statement below identifying the status of the project:

Yes, Project No. C3-5378-03-00 is complete, there will be no further requests for disbursement. Please apply all applicable proceeds toward principal debt service.

Unspent proceeds involving grant funds may necessitate a re-evaluation and possibly resizing of your grant award.

No, Project No. C3-5378-03-00 is not complete. The Town anticipates submitting a disbursement request by \_\_\_\_\_.

Authorized Representative Signature: \_\_\_\_\_

Please reply to this request on or before November 30, 2017 by email at [DisbursementRequest@efc.ny.gov](mailto:DisbursementRequest@efc.ny.gov), fax to (518) 402-7086 or standard mail. Thank you for your anticipated timely attention to this matter. If you need further assistance or information, please contact Paul Johnson at (518) 402-7085.

Sincerely,

Brian McEvoy  
Public Finance Manager







COUNTY OF ONONDAGA  
 DIVISION OF PURCHASE  
 COMPUTATION OF BIDS

Opened: 9/12/2017  
 Reference No.: 8771  
 Department: SHERIFFS

ITEM No. QTY DESCRIPTION BID SECURITY No:

			VAN BORJHEL FORD	VAN BORJHEL CHEVY	ROBERT GREEN	EAST SYR CHEVY	MAIN MOTOR CAR	GENESEE VALLEY	GENESEE VALLEY
			1	2	3	4	5	6	7
		DISCOUNT FOR NON OEM OPTIONS:			10%		8%	8%	
C.		MFG/MODEL: 2018 DODGE CHARGER LDES48 GT AWD:							
		TOTAL PRICE W/OEM OPTIONS:			\$ 25,356.67		\$ 26,389.00	\$ 25,971.21	
		DISCOUNT FOR NON OEM OPTIONS:			10%		8%	8%	
D.		MFR/MODEL: 2018 DODGE DURANGO RWD SSV WDDE75:							
		TOTAL PRICE W/OEM OPTIONS:			\$ 24,581.66		\$ 25,918.00	\$ 25,399.30	
		DISCOUNT FOR NON OEM OPTIONS:			10%		8%	8%	
E.		MFR/MODEL: 2018 DODGE DURANGO AWD SSV WDDE75:							
		TOTAL PRICE W/OEM OPTIONS:			\$ 26,446.54		\$ 27,279.00	\$ 26,766.50	
		DISCOUNT FOR NON OEM OPTIONS:			10%		8%	8%	
F.		MFR/MODEL: 2018 DODGE RAM 1500 CREW CAB 4X4 SSV DS69T98:							
		TOTAL PRICE W/OEM OPTIONS:			\$ 25,972.95		\$ 26,802.00	\$ 26,308.00	
		DISCOUNT FOR NON OEM OPTIONS:			10%		8%	8%	