

TUXEDO PARK FYI™

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Town Board Meeting June 9, 2014

The Town Board met on Monday, June 9, 2014 at 7:30 pm. All members were present.

Public Comments on Agenda Items:

Andy Rogers asked for an explanation of the settlement of Faire Partner's Certiorari proceeding.

Town Attorney Don Nichol explained that it was settled before going too far in court due to the fact that Faire Partners had managed to have their assessments reduced.

Nate Wolinsky applauded the Board for adding more members to the Planning Board, which he said would be needed. He urged them to consider appointing someone from Laurel Ridge or Clinton Woods as that area of town does not currently have any representation on the Boards and they are very upset about what is being proposed with the casino.

Melissa Fierman asked for an explanation of item #2 (hiring of Alvarez & Marsal for the casino project).

Supervisor Rost responded that A&M is the company that the Town had reached out to to become the Project Managers for the casino project. If hired, A & M will coordinate all the consultants as well as all administrative tasks.

Ms. Fierman wondered how the Town had found A&M.

The Supervisor explained that A&M had been recommended to him.

Ms. Fierman then wanted to know who had made this recommendation.

She was told that the recommendation had come from residents and friends.

Next, Ms. Fierman mentioned that she had seen "surveying teams" on Route 17 and wanted to know if they were with A&M.

She was told that both Genting's consultants and the Town's consultants were presently

working in Town studying the situation. Ms. Fierman wondered how residents would know what was “going on with that?”

Supervisor Rost replied that as the Board received information from A&M, they would make it available to the public.

Ms. Fierman inquired as to whether A&M could give her a report right then and there with regard to what they were surveying and what they had found.

Town Attorney Nichol explained that A&M was looking at comparable sites with casinos and how they affected the towns in which they are located. They are also looking at marketing and feasibility studies to determine if the casino will be a long term, sustainable entity and not just a flash in the pan. Additionally, they are checking into economic impacts as well as the nature of the deal between public and private sectors. They are also taking a closer look at Genting to find out definitively who the Town is dealing with. They are studying social impacts as well as some environmental impacts although there is a whole separate team looking at the environmental impacts. In short A&M IS giving real property advice to the Town so that the Town can in turn make sure that what is happening is beneficial to the Town while minimizing the overall impact.

Councilman Loncar stated that he was somewhat confused as he thought the investment bank, Evercore, would be providing those services.

He was informed that Evercore had a conflict and could not take on the work.

Ms. Fierman wondered why the public hadn't been made aware of this.

The Supervisor asked her if she had received his newsletters.

She replied that she had, but she didn't think they were specific enough.

Town Attorney Nichol stated that one problem was that all of this was happening very fast.

Ms. Fierman said she thought it was happening too fast.

Mr. Nichol went on to explain that the deadlines had been set by the State and in order to comply with those, the Town had had to hire a whole team of consultants who have been put to work analyzing the project.

Ms. Fierman replied that she thought deadlines were very unfair.

Mr. Nichol responded they the Town was doing everything they could to get as much done as possible before the next deadline. After that deadline has come and gone, they will set up a procedure to make sure that the ensuing environmental review will be very thorough.

Kristy Apostolides said she understood that the Town was working under a deadline. However, since the consultants have now been in place for about two weeks, she wondered if they had a timeline as to when the Town would know some more answers. She was told they were presently working on putting together a timeline.

Donna Clark wanted to know if the Town was really going to get anything out of the whole “mitigation process” or would they be just “empty promises?”

Mr. Nichol replied that he expected that the Town would get some things and that one of the main goals of the current process was to figure out what they could ask for.

Kenneth English said he had done a very quick reading of A&M’s proposal and thought he had seen a cap of \$250,000 for their services.

He was told that this was correct.

Mr. English then stated that he was confused as to who would pay for this.

Supervisor Rost said that Genting had deposited \$3 million into an escrow account to pay for the consultants. He added that details of how the escrow account would work were presently being worked on by the Town’s lawyers and Genting’s lawyers, but Genting would be paying for the consultants.

Mr. English wanted to know if that would still be true if the eventual cost were more than \$3 million?

The Supervisor assured him that the Town would not be paying for the consultants. Mr. English then wondered what recourse the Town had if problems were uncovered during A&M’s investigations as they had already given Genting a letter of support. The Supervisor replied that the Town could withdraw their letter of support if need be. This can be done up until June 30th (the State deadline). After that, there will be things built into the Host Agreement stipulating that Genting get the necessary approvals from the Town.

Mr. English concluded by saying that he thought the Board was trying to do their best given the deadlines that they had been given, however he thinks it's hard for the Town to get a "fair shake" within the given time period. He feels that both the Town and A&M are up against a "giant with a slingshot."

Michele Lindsay stated that she had read through the entire application that is on the Gaming Commission's website and she still feels concern that the term "Host Agreement" does not appear anywhere therein.

Supervisor Rost responded, "but the Letter of Support is there, right?"

Mrs. Lindsay agreed that it was.

The Supervisor then explained that if a Host Agreement wasn't negotiated, the Town would pull back the letter of support.

Mrs. Lindsay then wanted to know if there would be a vote on the Host Agreement. The Supervisor told her that the Town Board would indeed vote on whether or not to accept the Host Agreement.

Councilman Matthews noted that only 3 votes would be needed to accept the agreement.

Melissa Fierman noted that the Town residents hadn't had a vote. She wanted to know why all the residents couldn't go to the polls and vote yes or no on this project? Town Attorney Nichol explained that such a vote was not legal in the State.

Mrs. Fierman said that the Commission said that at least 50% of the Town had to be in favor of the project and she wondered how the Board could know that this was the case if they hadn't taken a vote?

Mrs. Lindsay added "what about the fact that of all the emails sent to the Town, "overwhelmingly 2 to 1 were against the casino?"

The Supervisor mentioned that Mrs. Lindsay had been present at a meeting in the Woodlands and asked her what had happened there. She reported that it started out with people being against the casino and then one person had spoken and turned the tide in favor of the project.

Nate Wolinsky said he had done an informal poll within the Woodlands and his results were out of the 40 people he asked, 38 were for the casino and 2 were against. The

reasons people gave were that the school district needs money and that the finances of the Town are in bad shape.

Mrs. Lindsay then stated that the Woodlands is a unique little corner of the Town that doesn't really have anything to do with the rest of the Town.

Mr. Wolinsky conceded that this was true, but noted that there were 400 votes there.

Rodger Friedman asked what the time line for the Host Agreement would be?

Supervisor Rost replied that the deadline for the agreement is June 30th, however there had been some confusion about this because Genting had asked to have it earlier. The Town's attorneys, Strook & Strook advised them that they would be ready to put together the Host Agreement when they have all the information they need and not before.

Jim Hays asked when the Board expected that Genting would provide a site plan that the consultants could analyze?

The Supervisor responded that while he hadn't seen the plans himself, it was his understanding that the Town's consultants **have** seen plans.

Ulrich Pendl stated that at the last meeting he had asked what was the basis of the general agreement to support the letter of support. He specifically wanted to know the answer from the 3 Board members who had voted in favor of the letter. Since the answer was silence, he asked the question again. Now the Board has been asked if they have seen the plans and they "admit that they don't know," which confuses Mr. Pendl. He went on to say that if the Town allowed the casino, Tuxedo would become a "slot machine Town." He added that he didn't think the Board knew what was coming.

The Supervisor responded that this is why they had hired consultants.

Mr. Pendl replied "you don't need consultants! You need common sense."

Melissa Fierman remarked that she thought they should just put the casino at the old Concord Hotel. She wondered what Genting would do with the area if it didn't become a casino?

Town Attorney Nichol replied that he expected it would remain a ski center and the Renaissance Faire. He further explained that Genting does not own the property, they just have an agreement to buy the property **if** they get a gaming license.

Ms. Fierman expressed relief that if Genting didn't already own the land then she didn't

have to worry about who they might sell the property to if he didn't get a license for a casino.

Jim Hays asked if A&M, as real estate consultants, would study the impact on property values from increased traffic along Route 17 and 17A, Long Meadow Rd., Braemmertown Rd and others in the area? He also wanted to know if they would study the negative impact from air and noise pollution. Finally, he asked if Exit 15B on the Thruway would be a contingency in the Host Agreement.

Supervisor Rost responded that the project would not go forward without the exit. He was then asked what if there was a "half exit," and was told that the project will not happen without a full exit.

Mr. Hays then asked whether or not the exit would have a toll, expressing dismay that a toll might cause people to use 17 instead of staying on the Thruway.

He was told it would have to be a no toll exit or else it would solve nothing.

Melissa Fierman stated that she thought Long Meadow road would become a service road for the resort and stated that she didn't want to see it expanded.

She was told that no one expected that Long Meadow Rd to be used that way.

Suzanne Williams stated that the casino **will** cause an increase in crime and compromise the personal safety and security of the resident. She feels this will negatively impact property values. She further worries about the need for lower income housing to house the custodians, chambermaids and dishwashers at the casino. She wonders where such housing will be available and fears that single family housing might be turned into multi family housing. She also wonders what the impact of that would be on school taxes?

Supervisor Rost requested that Ms. Williams give him a copy of her remarks so that he could send it on to the consultants.

Ken English stated that he'd heard that the Renaissance Faire was thinking about opening on weekdays and wondered if that were true. The Supervisor responded that there was talk of running the Ren Faire during the week in order to reduce the amount of traffic that goes there on weekends.

Mr. English was skeptical that this would work. He commented that on days that the Faire was open, it "looks like Woodstock on 17A." He also remarked that the casino was dividing the Town with people from the northern part of Town being against it and those

who lived farther away being for it. He reported that there was even talk happening about developing a northern village so that they would have a voice.

Nate Wolinsky (Chairman of the Tuxedo Democratic Committee) responded that for 10 years he has been beseeching people from the northern part of Town to run for office and has not been able to get a single person to do so. He feels that instead of complaining, the residents from that part of Town should be actively trying to run for office or get on one of the Boards in Town.

Yanni Maris (Clinton Woods) said he was “a traffic and parking guy by trade” and hopes there will be an analysis of traffic. He is concerned about what would happen to Routes 17 and 17A if there is an accident that closes down 15B. He also expressed concern about parking on 17A. During the Renaissance Festival, cars are parked all the way down to Tichy Field. Right now, they use the field on which the resort will be built and without that lot for parking, where will they put the cars?

This concern will be passed along to the consultants.

Donna Clark asked how Genting could promise to lower school taxes in the northern part of town when those are predicated on the equalization rate. She wondered if they were planning on redoing the equalization rate?

This too will be added to questions for Genting and the Town’s consultants. Councilman McMillan asked what process was in place for questions to be collected so they could be passed on to the consultants. Supervisor Rost replied that the email address resort@tuxedogov.org was being used for this purpose. People should send their concerns to that address where they will be seen by Town Board members as well as be passed on to the consultants who are working on the project.

Kristy Apostolides suggested that a community forum would also be a good idea.

Melissa Fierman again expressed her desire for a Town Vote on the project.

Town Attorney Nichol again explained that the Town does not have the legal authority to do that.

Ms. Fierman wondered if the Town could hold a vote anyway just so they would know how the residents feel.

Mr. Nichol replied that the Attorney General and Comptroller have ruled that Towns

cannot even spend money on that kind of survey.

Rodger Friedman inquired as to how much architectural control the Town would have should the license be granted.

Town Attorney Nichol replied that the project would be subject to review by the Architectural Review Board.

Mr. Friedman then wanted to know how much influence community members might have on the ARB?

Mr. Nichol responded that like all representational government, people should let the Board know their concerns.

An audience member asked if the plans were already before the ARB and he was told they were not. The Town does not have an actual application as yet. They have seen presentations from Genting but nothing specific has been submitted.

Jim Hays asked when that application was expected.

Mr. Nichol replied that he didn't expect it until after June 30th. Presently Genting is working on getting their application complete for submission to the state by that date. After that is done, they will move on to more detailed site work.

Mr. Hays expressed dismay that by this point the time for withdrawing the letter of community support would have passed. Mr. Nichol replied that the Host Agreement would contain contingencies which would allow the Town to back out if certain things weren't met or delivered.

Ken English remarked that the legal fees to defend such contingencies against a "giant like Genting" could be astronomical. Mr. Nichol replied that if Genting promised that certain things would happen and they were written into the agreement and then those things **didn't** happen, it would be pretty hard for them to defend that no matter how big they are.

Rodger Friedman stated that a lot of people were concerned about the impact of the project on the Forest. He listed things like viewshed, impacts from light and noise and the view from trails. He remarked that if the resort were going to resemble a "Disney castle" with towers, it would heavily impact Sterling Forest State Park and the Appalachian Trail visually. This concern is apart from water, rattlesnakes or any other

concerns.

Mike Reardon (Town Planning Board Chair) stated that Genting is on the agenda for the Tuesday, June 10 meeting to make an informal presentation of what the resort will look like. The meeting starts at 7 pm and Genting is last on the agenda so Mr. Reardon doesn't expect that their part will start until at least 7:45. The public is welcome although there will be no questions taken.

Mr. Reardon went on to say that 3 years ago, he attended two Planning Board meetings in Warwick about the Watchtower headquarters being built on Long Meadow Road. He had concerns about the impact on Sterling Mine Road. He was disappointed to discover that there was not one other Tuxedo resident present at those meetings. That project directly affects the southern part of town and no one from the northern part of town was interested. Mr. Reardon stated he felt that people should give the Town Board a lot of credit. They are spending the money given them to hire a lot of experts to analyze the project and look into all the things that people are concerned with such as traffic, crime and real estate values. No one on the Board has those answers. Now is the time that we need to let the consultants do their job. When they have done so and reported back, that will be the time to sound the alarm if it is warranted.

Donna Clark stated that since the Town Board had asked for people's opinions to be sent to an email address and comments had come in 2 to 1 against the casino, she didn't understand how they could have gone ahead and voted for the letter of community support. She feels that this action is what is causing division in the Town.

Supervisor Rost responded that when one talked to people in other sections of Town, they were in favor of the project.

When asked for specifics he said that people in the Hamlet, Maplebrook and The Woodlands were on the whole in favor of the project.

Councilman Phelps added that the Board understands that this project is "in the backyard" of the people in the northern part of Town but in the rest of the Town, around 75% of the people favor the project.

Suzanne Williams expressed dismay that people who were against the casino had followed directions and sent in emails with their names and addresses on them and then just because Board members had talked to other people, they decided that the majority of the Town was for it.

Jim Hays added that the Board didn't know how many people had once been in favor of the casino but had now changed their minds and were against it.

Michele Lindsay said she was happy to see that the Town was hiring consultants who were more real estate oriented. She hopes they will be looking into property values and the effect that the casino might have on those. Quoting from a letter written by Jim Hall of the Palisade Interstate Park Commission (PIPC) she pointed out the impact that the project would have on the watershed.

Supervisor Rost remarked that he had received Mr. Hall's letter as well and he has already sent it on to the consultants.

Mrs. Lindsay asked specifically about effects on the watershed as well as the effects of traffic and air pollution and the effect on the degradation of Town Assets.

She was assured that all of these things would be studied by the consultants.

Councilman McMillan expressed an interest in seeing Mrs. Lindsay's list of concerns.

The Supervisor assured both Mrs. Lindsay and the Councilman that if Mrs. Lindsay sent her list to resort@tuxedogov.org, they would be forwarded both to the consultants as well as all the Town Board members.

An audience member asked about the proposed Thruway interchange 15B and wanted to know if half an exit would be acceptable to the Board.

The Board members all responded that a full exit was necessary for them to support the project.

Michele Lindsay then read into the record portions of Jim Hall's recent letter to the Town Board in which he stated that he does not support the casino project, (Click [HERE](#) to read a copy of this letter) and that PIPC has not been approached regarding the acquisition of Park land. He also states that PIPC does not support the land acquisition nor is it authorized under their Federal Congressional Compact. Mrs. Lindsay wondered if that wasn't a "deal breaker" for Exit 15B?

Supervisor Rost replied that since Genting and the State were still talking about the exit, he didn't think so. He further stated that the new plan for the exit showed it could be accomplished without acquiring any Park property.

Councilman Phelps added that the bottom line is: if the exit doesn't happen, the project

doesn't happen.

Moving on to the night's published agenda, Supervisor Rost asked if the Board had anything to say about it.

Councilman Loncar stated he that he was against expanding the Planning Board (Item#3) for the following reasons: The Town has serious money problems and he is against spending any more money on the Planning Board. He feels the Board has been working just fine the way it is and doesn't see any reason to expand it.

Councilman McMillan stated that he still had some issues to work through on the proposed law about parking and standing on Park Avenue (Item #5) and thus he wished to table that item.

Councilman Loncar asked why the agenda didn't include a resolution to pay the vouchers? He noted that the Town was starting to accrue late fees.

Town Clerk Elaine Laurent replied that the bookkeeper was away and hadn't been able to get the vouchers ready.

Councilman McMillan added that Board members could come to Town Hall at any time during the week to sign vouchers.

Resolutions:

The following resolutions were passed:

- a Resolution to engage Alvarez & Marsal Real Estate Advisory Services LLC as Special Consultants regarding proposed Resort Casino Development.
- a Resolution to adopt Local Law #1 of 2014 entitled Planning Board membership. This will expand the Board from its present 5 members to 7. (The resolution passed 4-1 with Councilman Loncar voting no).
- a Resolution appointing Ray Ferri to the Planning Board (passed unanimously).
- a Resolution appointing Rich Rigoli to the Planning Board (passed 4-1 with Councilman Loncar voting no).
- a Resolution appointing Bob Currie to the Architectural Review Board to fill Darren Maynard's unexpired term. (passed 4-1 with Councilman Matthews voting no).
- a Resolution appointing Mike Rothlauf to the Architectural Review Board (vacant seat) (passed 4-1 with Councilman Loncar voting no)
- a Resolution appointing Todd Tereshkow to the Architectural Review Board (Rich

Rigoli's unexpired term) (passed unanimously).

- a Resolution to approve settlement of Tax Certiorari Proceeding brought by Faire Partners LLC (passed 3-2 with Councilmen Matthews and McMillan voting no).
- a Resolution to grant sign permit to Tuxedo Park Garden Club
- a Resolution to grant Special Use permit for Farmers; Market at Train Station. (Councilman Matthews asked if the whole parking lot had to be closed off as many East Village residents like to cut through the train station parking lot to the traffic light in order to deal with Saturday traffic. Councilman Phelps replied that it had to be closed off for safety reasons but he was going to discuss moving the Market to Powerhouse Park with Christina Tremblay).
- a Resolution to grant special sign permits for Farmers' Market and Chamber banners.
- a Resolution to authorize execution of cooperation agreement amendment with Orange County for Community Development Programs. (Orange County gets Federal HUD funds for community development and distributes them through an Urban County Consortium.) (passed 3-2 with Councilmen Matthews and McMillan voting no).
- a Resolution to authorize execution of agreement for Police Coverage for Renaissance Faire
- a Resolution to grant special sign permit to Renaissance Faire for directional signs. (passed 4-1 with Councilman McMillan voting no)

Public Comments:

Andy Rogers thanked the Board for all the efforts they are making and said he appreciated everything they were doing.