

TOWN OF GOSHEN
PUBLIC HEARING & TOWN BOARD WORK SESSION

January 9, 2017

MINUTES

A meeting of the Town Board of the Town of Goshen was held on the 9th day of January, 2017 at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present: Douglas Bloomfield Supervisor
Melissa Gallo Councilmember
George Lyons Councilmember
John VanDerMolen Councilmember

Absent: Councilmember Kenneth Newbold

Also Present: Richard Golden, Esq. Attorney for the Town
Sean Hoffman, PE Consulting Engineer
Priscilla Gersbeck Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:30pm, followed by the Pledge of Allegiance

1. PUBLIC HEARING REGARDING INTRODUCTORY LOCAL LAW #8 of 2016 ENACTING A NEW CHAPTER OF THE CODE OF THE TOWN OF GOSHEN PROVIDING FOR CHAPTER 66 ENTITLED "ILLICIT DISCHARGES AND CONNECTIONS", AND ON INTRODUCTORY LOCAL LAW #9 of 2016 ENACTING A NEW CHAPTER OF THE CODE OF THE TOWN OF GOSHEN PROVIDING FOR CHAPTER 80C ENTITLED "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL" AND TO AMEND RELATED CHAPTERS PER THIS LAW AND TO APPROVE AS APPROPRIATE.

Councilmember Gallo made the motion to open the public hearing on above said Local Law #8 and Local Law #9. Councilmember Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, Van Der Molen
0 NAYS
1 ABSENT

Consulting Engineer, Sean Hoffman PE, summarized Local Law #8 and Local Law #9. One of the DEC requirements as part of compliance under MS4 - Storm Water Management System is the adoption of two local laws (#8 & #9) as set by the DEC.

Supervisor called for comments from the public.

Comments from the Public are summarized. Included at the end of each comment are the responses/answers mostly from Sean Hoffman, PE as noted from different sections of the Local Laws.

Debbie Corr Read from LL8 pg1 §66-1: "The purpose of this local law is to provide for the health, safety and general welfare of the citizens of the Town of Goshen through the regulation of non-stormwater discharges. What are non-storm water discharges? (Ans: LL8 pg3) Where do discharges go to? (Ans: LL8 pg3 & LL9 pg7). Define agricultural activity in this law?

(Ans: LL9 pg4) How does this law apply to farms? Are farms exempt from this law? (Ans: LL9 pg4 in 80C-5 A). Is opposed to the verbiage in LL9 pg4 §80C-7) *operation of a dude ranch or similar operation*. "It's way too vague." – asked for specific definition. Referencing LL8 pg5 The Stormwater Management Officer (SMO) job description, she would like more detail. Is a SPDES Permit required under this Local Law? (Ans: LL8 pg5) What are the provisions to mitigate spills (Ans: LL8 pg9 §66-13). She needed more time to read both Local Laws.

Sandra Rothenberger

The Legoland DEIS asked for an exemption to MS4 (she referenced the definition of non-stormwater discharge in LL8 pg3) is that a good idea? She noted types of contaminants that may be generated by Legoland such as sediment, pesticides etc. How and who will be appointed to be the Stormwater Management Officer as defined in LL8 pg5? (Ans. The Town Building Inspector is being trained to qualify for this.) Referencing LL8 pg5 §66-3, Sediment will be going into the water shed and the Otterkill Creek how can the DEIS Legoland call for an exemption to MS4? Referencing LL8 pg9 §66-12 what if wet lands are involved? No definition how to handle wet lands in this section.

Jerry Boss

He would like to see testing done on the Otterkill to get a base-line prior to the development of Legoland. This will act as monitor/path to correct problems and where they occur.

Christine Miele

Referencing LL8 pg5, she requested a full job description of the SMO, to include the technical knowledge involved, courses, and education for the SMO. She believes in looking to the future in creating a job description. Referencing LL8 pg6 §66.6-1 Exemptions: lawn watering has chemicals, swimming pools have chemicals associated with back-washing. Referencing LL8 pg7 §66-8 1, reasonable protection needs to be better defined. Referencing LL8 pg8 item 3 & 4 – be more specific as to who pays for these facilities? (Ans: LL8 pg11 §66-17). Referencing LL8 pg9 item 6, unreasonable delays is an arbitrary statement, needs detail. Referencing LL8 pg10 B, Penalties, the fine amount should tie into a commercial development or a private home.

Sandra Rothenberger

(inaudible) She feels that "we" are picking and choosing from what the DEC says. Are we able to change the laws? (Ans: The laws are basically provided by the DEC in order to comply with the requirements of the MS4. If we change what the DEC provided we would have to prove a "gap analysis". This is a costly -time consuming process). She requested an additional meeting to enable the public to fully review LL8 & LL9 to submit comments.

Christine Miele Referencing LL9 pg4 F, what is the anticipated *effective date* of the law? (Ans: The date that is filed with the Secretary of State). Will it be adopted before or after the Legoland DEIS? (Ans: Before).

Jerry Boss Through the years, smoke tests were conducted in Hambletonian Park to detect illegal sub-pumps. How does this law address that? (Ans: We have one household that still needs to be addressed. May not be applicable to the reason why we are conducting the smoke tests.)

Renee Turcotte Referencing LL9 pg4 §80C-7, Please clarify the definition of Agricultural Activity. (Ans: already has been addressed).

(With no further comments)

Councilmember Lyons made the motion to continue the public hearing for Local Law #8 and Local Law #9 to the Town Board Meeting on Thursday 1-12-2017. Councilmember Van der Molen seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, Van Der Molen
0 NAYS
1 ABSENT

2. REVIEW TOWN OF GOSHEN ROAD INVENTORY AND PASS RESOLUTION ACCEPTING NEW ROADS AND ADDING OLD ROADS NOT IN OUR LOCAL HIGHWAY INVENTORY. THE UPDATED INVENTORY WAS ESTABLISHED BY NYS DOT USING THE GEOGRAPHICAL INFORMATION SYSTEM (GIS)

Highway Superintendent, Broderick Knoell, explained this is spear-headed by the NYS DOT in updating the global satellite measurements of roads in our town, in correctly identifying public & private roads and adding inventory of new roads. The information will improve the accuracy in a Geographical Information System (GIS). Therefore, the Town Board is required to take action on (1) accepting new roads (2) adding old roads not in the inventory (3) acknowledging roads that appear to be private are actually public and (4) accept minor changes in measurements of certain roads. A detailed listing of the aforementioned modifications was provided by Mr. Knoell. To complete the NYS DOT requirements, the following resolution was adopted.

**TOWN OF GOSHEN
RESOLUTION
ACCEPTING AND ADDING TOWN ROADS FOR THE LOCAL HIGHWAY INVENTORY**

INTRODUCED BY: Councilmember George Lyons

SECONDED BY: Councilmember John Van Der Molen

Dated: January 9, 2017

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held at Town Hall in said Town on the 9th day of January, 2017, the following resolution was introduced:

WHEREAS, the Federal Highway Administration is requiring the New York State Department of Transportation (NYSDOT) to submit public road data in geospatial format to use in a Geographical Information System (GIS); and

WHEREAS, to address this federal requirement NYSDOT is conducting a Statewide GIS Public Roads Network Project that involves reviewing public roads and their lengths in the Local Highway Inventory and GIS format, adjusting the existing information in the Local Highway Inventory to match actual roadway conditions, and verifying jurisdiction through tax maps and other documentation; and

WHEREAS, during the course of this project NYSDOT has identified modifications that should be made in the Local Highway Inventory to correct and clarify the length and designation of certain Town roads; and

WHEREAS, the Highway Superintendent has met with NYSDOT regarding these modifications and has provided the attached list (Schedule "A") of new Town roads, old Town roads that are not in the Local Highway Inventory, roads that appear to be private but are actually public, and roads with more than minor changes in length by the GIS evaluation; and

WHEREAS, the roads identified in Schedule "A" are all public roads maintained by the Town and the Highway Superintendent recommends that the Town Board take action in order to accept and add said roads to the Local Highway Inventory;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Goshen hereby

1. accepts and verifies that the roads in the attached Schedule "A" are public roads of the Town of Goshen;
2. accepts all legal, maintenance and repair responsibility for the roads identified in Schedule "A"; and
3. requests that the Local Highway Inventory be revised accordingly.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilmember Kenneth Newbold	<u>ABSENT</u>
Councilmember Melissa Gallo	<u>AYE</u>	Councilmember John Van Der Molen	<u>AYE</u>
Councilmember George Lyons	<u>AYE</u>		

Vote: Resolution carried by a vote of 4 to 0

3. DISCUSS AND APPROVE RESOLUTION FOR A DEVELOPERS AGREEMENT WITH AMY'S KITCHEN REGARDING CONSTRUCTION AND MAINTENANCE OF A ROADWAY INTO THE SITE ON TOWN OF GOSHEN PROPERTY IN ACCORDANCE WITH PLANNING BOARD APPROVAL DESIGN

Larry Wolinsky Esq. representing Amy's Kitchen, explained the construction of the Access Road. Approximately 8 acres was given to the Town to allow for a principle road access off of Route 17M to serve both Amy's Kitchen and Science of the Soul projects. The agreement allows for Amy's to construct the road, at its own expense, in accordance with the plans, details and specifications set forth on the site plan. To effect this obligation, the Town grants the developer a non-exclusive easement for the property for the purpose of constructing the Access Road. The creation of the turning lane off Route 17M will relocate Training Center Lane and install a traffic signal as an upgrade to the traffic conditions in that vicinity. [A copy of the Developers Agreement (Access Road) is on file in the Clerk's Office.]

Councilmember Van Der Molen made the motion to adopt the Planning Board SEQRA Findings Statement as the Town's SEQRA Findings Statement, to approve the Developer's Agreement and to authorize the Supervisor to sign the agreement. Councilmember Lyons second the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield AYE
Councilmember Melissa Gallo AYE
Councilmember George Lyons AYE

Councilmember Kenneth Newbold ABSENT
Councilmember John Van Der Molen AYE

Vote: Resolution carried by a vote of 4 to 0

4. DISCUSS AND APPROVE MOTION REGARDING AN INDEMNIFICATION AGREEMENT WITH AMY'S KITCHEN REQUIRED FOR A "CLEARING AND GRADING" PERMIT

Attorney Golden explained that when the clearing and grading work is being done, this agreement is to indemnify and hold harmless the Town from any and all liability, claims and costs in connection with the Amy's Kitchen Manufacturing Facility and Science of the Soul Conference Center project as required by the Code.

Councilmember Gallo made the motion to approve the Indemnification Agreement with Amy's Kitchen and authorize the Supervisor to execute the agreement. Councilmember Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, Van Der Molen
0 NAYS

Supervisor Bloomfield noted that previously when Local Laws were drafted, input from different sources who are familiar with the subject were asked for their input. Therefore, if time allows, perhaps Debbie Corr can contact our Consulting Engineer to share her concerns pertaining to Local Law No. 8.

5. FINANCE:

Councilmember Gallo made the motion to authorize the Supervisor to pay Manual A/P runs as of 12/31/2016 amounting to \$20,068.39. Councilmember Van Der Molen seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, Van Der Molen
0 NAYS

6. APPROVAL OF MINUTES:

Councilman Lyons made the motion to approve minutes from the Town Bd. meeting of 12-8-2016 and combination Planning Bd. & Town Bd. Public Hearing of 12-15-2016 and combination Work Session & Town Bd. continued Public Hearing of 12-19-2016 and Re-Organization meeting of 1-4-2017. Councilmember Gallo seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, Van Der Molen
0 NAYS

7. EXECUTIVE SESSION:

Councilmember Gallo made the motion to enter into Executive Session to discuss the following:

1. Request for letter of credit in order to release cash of a cash bond – potential litigation.

with the intent not to return. The motion was seconded by Councilmember Lyons. Motion Carried

8. ADJOURNMENT: 8:35PM

Priscilla Gersbeck, Town Clerk