

TOWN OF GOSHEN
PUBLIC HEARING & TOWN BOARD MEETING

January 12, 2017

MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 12th 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
 Kenneth Newbold Councilmember
 John Van Der Molen Councilmember

Also Present: Richard Golden, Esq. Attorney for the Town
 Priscilla Gersbeck Town Clerk

A. CALL TO ORDER

The meeting was called to order by Supervisor Bloomfield at 7:31pm, followed by the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

C. PRIVILEGE OF THE FLOOR (agenda items only)

Supervisor Bloomfield spoke with Sean Hoffman, PE following-up on Monday's meeting. There are two types of local laws: ones created by the Town and (in this case) Laws #8 & #9 written by the DEC. The DEC wrote the laws to keep municipalities accountable for operating stormwater management in accordance to their regulations/procedures. The comments received from the Town Planning Board, the Environmental Review Board, County Dept. of Health, and from the meeting held on Monday, January 9th will be sent to the DEC in New Paltz. The DEC can review comments not only submitted from Goshen, but from other municipalities to see if changes should be made to the laws.

D. PUBLIC HEARING: CONTINUED

REGARDING INTRODUCTORY LOCAL LAW #8 of 2016 ENACTING A NEW CHAPTER OF THE CODE OF THE TOWN OF GOSHEN PROVIDING FOR CHAPTER 66 ENTITLED "ILLCIT 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 re-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: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen
0 NAYS

Supervisor called for comments from the public.

Jerry Boss: (inaudible) The County Water Authority has documented/mapped streams/rivers and associated waterways which should be considered in the Legoland process. He is pleased that the Supervisor is considering waterways, other than the Otterkill, to be characterized and monitored to correct problems and where they occur.

Sandra Rothenberger: (inaudible) Is the Town still fighting the lawsuit which involved the parcels on Police Drive who had MTBE water contamination? (Ans: This was settled. The County put in a water line and the Town received money back on what was spent to vindicate ourselves.

Debra Corr: Praised the Environmental Review Board. She commended 4 out of the 6 people who were very good. "They were wonderful". Two members on the ERB were "totally clueless". She (Debbie) was able to speak to the DEC and has reviewed Local Law #9. A few things/changes to the Local Law were addressed to the ERB. Supervisor Bloomfield advised her to submit those items in writing to the Town for consideration and to forward to the DEC.

Councilmember Lyons motioned to close the public hearing for Local Law #8 and Local Law #9.
Councilmember Van Der Molen seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen
0 NAYS

E. OLD BUSINESS:

1. DISCUSS AND APPROVE MOTION TO APPROVE TOWN OF GOSHEN LOCAL LAW 8 OF 2016, CHAPTER 66 ENTITLED "ILLICIT DISCHARGES AND CONNECTIONS", REGARDING MS4 STORM WATER MANAGEMENT

Councilmember Lyons made the motion to adopt LL#8 of 2016 as stated above. Councilmember Gallo seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen
0 NAYS

2. **DISCUSS AND APPROVE MOTION TO APPROVE TOWN OF GOSHEN LOCAL LAW 9 OF 2016, CHAPTER 80C ENTITLED "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL" AND TO AMEND RELATED CHAPTERS PER THIS LAW. HERE TO, IT IS REGARDING MS4 STORM WATER MANAGEMENT.**

Councilmember Newbold made the motion to adopt LL#9 of 2016 as stated above. Councilmember Gallo seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen
0 NAYS

3. **CORRECTION: RE-ORGANIZATION APPOINTMENTS TO THE ENVIRONMENTAL REVIEW BOARD.**

It was noticed that two people were inadvertently omitted from re-appointment to the ERB.

Councilman Newbold made the motion to re-appoint Carol Laskos and Martin Holmes to the Environmental Review Board (ERB). Their terms expired December 31, 2016. Councilmember Lyons seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen
0 NAYS

F. NEW BUSINESS:

1. **DISCUSS AND PASS RESOLUTION TO SETTLE A TAX CERTIORARI WITH ELIAS MUHLRAD REGARDING TAX MAP PROPERTIES 2-1-61.1 AND 2-1-61.2.**

Recommendations from the Town Assessor, Arnold Silver and Robert M. Rametta, Esq., Counsel for the Town have determined that any further proceedings and litigation would involve considerable expense with uncertainty of the outcome. Therefore, it was recommended to proceed with the following resolution.

**TOWN OF GOSHEN
RESOLUTION
Settling of Tax Certiorari Claim of ELIAS MUHLRAD
S/B/L: 2-1-61.1 and 2-1-61.2**

INTRODUCED BY: Councilperson Kenneth Newbold

SECONDED BY: Councilperson George Lyons

DATED: January 12, 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 12th day of January, 2017;

WHEREAS, claimant, ELIAS MUHLRAD, having commenced tax certiorari proceedings against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for the 2016 assessment year bearing Orange County Index Number 5197/2016;

WHEREAS, it appears from the recommendations of the Town Assessor, Arnold Silver, and Robert M. Rametta, Esq., Counsel for the Town of Goshen in the aforesaid proceedings, and upon a thorough investigation of the claims, that any further proceedings and litigation by the Town would involve considerable expense with the

attendant uncertainty of the outcome and that the settlement of the above matter, as more fully set forth below, is reasonable and in the best interests of the Town; and

WHEREAS, claimant, ELIAS MUHLRAD, et al, is willing to settle these proceedings without interest, costs or disbursements, in the following manner: As set forth in annexed Consent Order;

NOW, BE IT THEREFORE RESOLVED, that the proposed settlement as set forth and described above and as set forth in the annexed Consent Order is hereby accepted pursuant to Section 68 of the Town Law and it is further;

RESOLVED, that the Assessor of the Town of Goshen and Robert M. Rametta, Esq., Special Counsel to the Town of Goshen; and Douglas Bloomfield, Supervisor of the Town of Goshen be and are hereby authorized to take any and all steps and sign any and all documents necessary to effectuate the terms of this resolution;

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 5 to 0.

2. DISCUSS AND APPROVE REQUEST FROM H2M CONSULTING ENGINEER TO REDUCE THE PERFORMANCE BOND FOR HERITAGE ESTATES

Correspondence from the Town Consulting Engineer, Sean Hoffman P.E., relayed a request from Esposito & Associates to reduce the Performance Bond for Heritage Estates. A few items have not yet been fully completed. Therefore, it is recommended to reduce the Performance Bond in the amount of \$2,668,700 and to retain \$1,415,700.

TOWN OF GOSHEN
Resolution

RESOLUTION RELEASING A PORTION OF THE PERFORMANCE BOND BEING HELD BY THE TOWN OF GOSHEN IN CONNECTION WITH THE HERITAGE ESTATES SUBDIVISION LOCATED ALONG OLD CHESTER ROAD

INTRODUCED BY: Councilperson Kenneth Newbold

SECONDED BY: Councilperson Melissa Gallo

DATED: January 12, 2017

WHEREAS, the Town of Goshen currently holds a performance bond in the amount of \$4,084,400.00 in connection with the Heritage Estates subdivision, located along Old Chester Road; and

WHEREAS, the Town Board is in receipt of a letter dated January 11, 2017 from the Town Engineer advising that a portion of said monies being held by the Town could be released back to the developer on the basis that various site work items had been completed, and a bond for such items is no longer necessary; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Goshen Town Board, pursuant to the recommendation of the Town Engineer, hereby releases to the developer of the Heritage Estates subdivision, a portion of the performance bond held by the Town of Goshen in the amount of \$2,668,700.

BE IT FURTHER RESOLVED, that the Town Board will retain \$1,415,700 of the performance bond at this time, to ensure the completion of the remaining Phase I work. As noted by the Town Engineer, this excludes the \$26,000 security posted by the developer to ensure the integrity of offsite neighboring wells from impacts of the proposed development as well as payments and other costs required by the Developer's Agreement.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to take whatever steps necessary to accomplish the release of the aforementioned \$2,668,700 of the performance bond, and to retain \$1,415,700.

Upon Roll Call Vote:

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

Councilperson, John Van Der Molen AYE
Councilperson, Kenneth Newbold AYE

Vote: Resolution carried by a vote of 5 to 0

3. ACCEPT THE RESIGNATION OF CYNTHIA HAND, ESQ. FROM THE TOWN OF GOSHEN ZONING BOARD OF APPEALS

Councilperson Van Der Molen made the motion to accept the resignation of Cynthia Hand Esq. from the Town of Goshen Zoning Board of Appeals effective January 15, 2017. Councilperson Lyons seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen
0 NAYS

4. DISCUSS AND APPROVE MOTION TO APPOINT PHILIP CANTERINO TO THE TOWN OF GOSHEN ZONING BOARD OF APPEALS

Councilperson Lyons made the motion to appoint Philip Canterino to the Town of Goshen Zoning Board of Appeals effective January 15, 2017. Councilperson Newbold seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen
0 NAYS

5. DISCUSS AND APPROVE MOTION TO APPOINT PHILIP CANTERINO TO THE TOWN OF GOSHEN BOARD OF ASSESSMENT REVIEW

Councilperson Gallo made the motion to appoint Philip Canterino to the Town of Goshen Board of Assessment Review effective January 15, 2017. Councilperson Van Der Molen seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen
0 NAYS

G. FINANCE

Councilperson Lyons made the motion to authorize the Supervisor to pay Accounts Payable check run for January 12, 2017 amounting to \$271,601.71. Councilperson Gallo seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, Van Der Molen
0 NAYS

H. PRIVILEGE OF THE FLOOR

Comments regarding Legoland: Inquired as to the host agreement for Goshen and who actually voted to sell/lease the property to Legoland. Referenced an article (opinion) in the Times Herald Record pertaining

to Legolands' (alleged) influence over board members. Referenced a letter written by Dominic Cordisco Esq. representing Legoland, requesting the recusal of a Planning Board member (Reynell Andrews) in which the town took no action on his request. Certain Planning Board members seen in public, showing support for Legoland - not acceptable. Public officials should be aware of their actions. *Many comments* on how the ERB was professional and took the information in a very objective manor to be forwarded to the Town Board. Communication between the public and the Board has gotten better. Acknowledged the presence of a Town Police Officer. Would like guide lines as to time allotted to speak in order to prepare statements. Hired an expert who is preparing about 100 pages of analysis in reviewing the DEIS. Troubled by no records of meetings/conversation with other entities – no calendars to subpoena. LL#5 & LL#6 is closed –other opportunities for the public to speak (privilege of the floor). The *purpose* stated in LL#5 seems to be negated with the 30 year pilot. Would like to see the cost benefit analysis to support that *purpose*. Merlin refused to negotiate the 30 year pilot at the IDA meeting. Reynell Andrews wife involvement in a lawsuit should not be reason for his removal from the Planning Board. The appearance of impropriety is horrible. Requested a meeting between the Town Bd. and their expert to review his analysis of the DEIS. Legoland should pay for a study on the Otterkill to get a base line incase problems occur as the land is developed. Ask other communities why they turned down Merlin. Finds the definition of an amusement park in the LL#5 is “insulting”. Believes no one will buy a home here if Legoland is approved. Discussed the process of permissive referendum/referendum by petition as to the petition received is reviewed on specifics pertaining to laws as set forth in state law and advised if all the mandatory requirements have been met. Inquired as to the status of the submitted petition.

Councilperson Newbold requested a thank you letter be sent to Reynell Andrews and John Lupinski for their dedication serving on the Planning Board.

J. EXECUTIVE SESSION:

With no items for the Executive Session, Councilperson Gallo made the motion to adjourn the meeting. Councilperson Lyons seconded the motion. Motion carried.

ADJOURNMENT: 8:55PM

Priscilla Gersbeck, Town Clerk