

TOWN OF GOSHEN
TOWN BOARD MEETING
FEBRUARY 23, 2017
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 23rd day of February, 2017 at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present: Douglas Bloomfield Councilmember
 Melissa Gallo Councilmember
 Kenneth Newbold Councilmember
 John VanDerMolen Councilmember

Absent: George Lyons 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 7:32pm, followed by the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

C. PRIVILEGE OF THE FLOOR (agenda items only)
None at this time.

D. REPORTS:

Councilperson VanDerMolen reported on recent activity the Police Dept. is investigating. There were three homes (in a row) burglarized on Phillipsburg Road. Two zero-turn lawn mowers and a John Deer gator were stolen from the John Deer business located on 6 ½ Station Road. Mulch Mart on 17M had a tri-axle dump truck stolen with a lead to the docks in New Jersey. Also a fire was set to loader parked next to a tow truck, destroying both vehicles. Secondly, reporting on the Senior Center, Hon. Sean Patrick Maloney has secured funds for organizations like the senior's and has requested a wish list from them. Captain Brett White from the US Army National Guard, will give an hour presentation on Disaster Preparedness. On March 14th a St. Patrick's Day luncheon will be catered by Catherine's Restaurant. Reservations are requested – fee \$12.00 per person. A trip is planned to the Sand's Casino. Reservations are required. An AARP Defensive Driving Class will be offered on March 28 from 9am to 4pm. An instructor from BOCES is offering the seniors a free Chinese Art class, call for details. A newly formed group, "Hooks & Needles" has donated caps for newborns at ORMC, wraps & blankets to the disabled veterans and shawls to the Valley View Center.

Councilperson Newbold is comparing contracts to repair the roof and the heating system in the Town Hall. He will meet with the Town Engineer to prepare the specs for bid. On another note, he thanked the Highway Superintendent Broderick Knoell and his employees for sleepless nights keeping the roads safe during the recent snow storm and ice storm.

Councilperson Gallo reported that the JRC is in the process of obtaining estimates for the skate-board section at Erie Street Park.

Supervisor Bloomfield reported on a site visit to Heritage subdivision to check on a requested easement change pertaining to the height of a retaining wall and safety fence. Secondly, The FBI notified the Town

that an active investigation is on-going (along with the NYS Police Computer Crimes Unit) to solve the January computer hack to the Town web page. The responsible party is off shore and will be prosecuted when the investigation is completed. In addition, a new procedure takes effect today. Those who want to address the Board are asked to sign in and called to the podium in sign in order. We will hear what you have to say, but will not answer questions. This privilege of the floor is where the Board gathers information as the public informs the Board of their concerns.

E. OLD BUSINESS:

1. DISCUSS AND APPROVE REQUEST BY "THE HERITAGE" SUBDIVISION MANAGEMENT TO MODIFY CONSERVATION EASEMENT OVER OPEN SPACE AREA "A".

The applicant would like to construct a modular retaining wall and safety fencing. The wall and fence are being proposed in the remote northern portion of Open Space "A" which consists of 70.2 acres ±. This will be maintained by the project's Home Owners Association. Attorney Golden noted the amendment to the Declaration of Open Space Conservation Easement – "Heritage Estates" Open Space parcel "A"-70.42 Acres. The modification is on page 2 (e) The erection of any structures, including but not limited to buildings and fences, *with the exception of the construction of a retaining wall and fence as shown on a plan prepared by Kevin L. Patton, P.E. entitled "Heritage at Goshen – Segmental Retaining Wall – Plan and Sections". Dated February 9, 2017, consisting of two sheets and otherwise as determined necessary by the Town Engineer.*

Councilperson Newbold made the motion to accept the proposed change as stated above. Councilperson Van Der Molen seconded the motion.

Upon Roll Call Vote:

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

Vote: Motion carried by a vote of 4 to 0

2. DISCUSS AND APPROVE MOTION TO PURSUE 143 MINISINK TRAIL AS A ZOMBIE HOME. THE HOME WAS DESTROYED BY FIRE MANY MONTHS AGO AND PRESENTS A SAFETY HAZARD

This home was destroyed by a fire and is in a condition that poses a dangerous attraction to the life or safety of the public.

Councilperson Gallo made the motion to authorize Neal Halloran to review property at 143 Minisink Trail and, if deemed a nuisance under Town Code, to provide notice and take necessary steps to have addressed either by property owner or Town, at property owner's expense via a tax lien. Councilperson Van Der Molen seconded the Motion.

Upon Roll Call Vote:

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

Vote: Motion carried by a vote of 4 to 0

F. NEW BUSINESS

1. COUNCILMAN NEWBOLD AND SUPERVISOR BLOOMFIELD, AS COMMISSIONERS OF WATER AND SEWER, ARE PROPOSING THE BOARD AUTHORIZE TESTING ONE WELL FROM EACH WATER DISTRICT FOR PFOA AND PFOS CONTAMINATION

Perfluorooctanoic acid (PFOA) has been detected in industrial waste, stain resistant carpets, carpet cleaning liquids, house dust, microwave popcorn bags, water, food, some cookware and PTFE such as Teflon. Perfluorooctane sulfonate (PFOS) was the key ingredient in Scotchgard, a fabric protector made by 3M and numerous stain repellents. It has been linked to kidney and testicular cancers, high cholesterol etc. In a recent Times Herald Record article, high levels of PFOS were found in Newburgh's Washington Lake. The source of contamination is considered to be from firefighting foams. Even though the chemical dissipates naturally over time, people were advised to consult their physician.

Councilperson Newbold made the motion to authorize testing one well from each water district for PFOA and PFO contamination. Councilperson Gallo seconded the motion.

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

2. REVIEW AND APPROVE REQUEST BY JOHN VAN DER MOLEN TO ATTEND AN OSHA COMPLIANCE SEMINAR IN MIDDLETOWN ON MAY 11, 2017.

Councilman Van Der Molen has requested to attend an OSHA seminar in Middletown. The seminar will cover OSHA rules, regulations, updates and information on preventative measures for ensuring employee safety.

Councilperson Gallo made the motion to approve the request by John Van Der Molen to attend an OSHA compliance seminar in Middletown on May 11, 2017 at a cost of \$179.00 plus food and travel. Councilperson Newbold seconded the motion.

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

G. FINANCE:

Councilperson Newbold made the motion to authorize the Supervisor to pay accounts payable check run for February 23, 2017 in the amount of \$2,596,217.92. Councilperson Van Der Molen seconded the motion.

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

H. PRIVILEGE OF THE FLOOR

Discussion regarding Legoland: Many of the residents voiced disapproval of signing in and not receiving a response to Legoland related questions.

Concerned over the health hazard to the community that may come from contamination of silica dust created at the Legoland site during construction. Legoland project will disturb more than 5± acres at a time releasing enough dust to affect the quality of life of the surrounding neighborhoods.

What is the justification for destroying an environmentally protected (watershed) area? Would like a cost benefit analysis done to see the financial pros & cons of the Legoland project.

A resident of 45 years has never seen the "atmosphere as charged as it is now"-the magnitude of Legoland project has pitted neighbor against neighbor etc. The action of the Union employees who attend public meetings is inexcusable. Word on the street that Legoland is a done deal- who/where was this "deal" done.

An article in "Dirt" magazine regarding the trees on the property was referenced. A few details, in the article, were pointed out on the age/size of trees that are planned to be clear cut. Request to preserve the trees. Will the Planning Board cite and enforce its own guidelines to preserve existing features important to the natural scenic and historical character of the Town such as large trees and similar irreplaceable assets.

Addressed sections of the "Legoland Project Economic Impact Review Final Report" put together by KPMG for the County IDA. Illustrated are the impacts of multiple revenue to state, county, school, town and fire districts. *The full report is available on line or can be viewed in the Town Clerk's office during regular business hours.* Believes there is a conflict of interest in the KPMG report since they put together the annual/fiscal reports to Merlin's stock holders. With 500 full time employees – the hotel will not require many employees at seasonal closing-what employment will be offered to the other employees. Park visitors will pay the sales tax, not Legoland – questioned revenue when attendance numbers drop. Many Legoland Discovery Centers are opening up which may draw customers from the Legoland Park. Concerned as to what will happen if Legoland Park fails. Goshen is "ripe for the pickin" for undesirable entities such as organized crime with the Al Turi Landfill and now Legoland, a corporation that will destroy our town, village and our environment.

Who will replace Diane Lupinski on the Planning Bd., she has recused herself from the Legoland project?

Request to attend meetings of the DOT and DEC that pertain to Legoland. With the police presence and signing in/changing the meeting format the Board has created a hostile environment. "We are not the enemy, we care and love this Town as much as you."

A 32 yr. resident on Reservoir Rd. moved to Goshen from Long Island to get away from the same reasons that Legoland is going to impose on us here ex: crimes of opportunity. Belief that "empty nesters" will be driven out if Legoland is approved.

Questioned if JEDI is currently active and if JEDI is responsible for Legoland coming here. (*JEDI is non-existent and was responsible for bringing Amy's in, had no involvement with Legoland.*) Questioned the author of proposed Local Law #5 and proposed Local Law #6. Belief that Neal Halloran does not belong at a DOT Legoland meeting, he is a code enforcement officer.

Why are there no conservation easements proposed for the property Legoland wants to purchase? Other large subdivisions have conservation easements. Heard Phil Royal say that they (Legoland) will develop more acres than was thought. In the very beginning, Legoland should have gone to the ZBA and should have been denied as an amusement park.

The property is sensitive to recharging the Moodna Creek. By changing the zoning it will open up "Pandora's Box". Nothing against Legoland Land Park, Goshen is not a desirable location.

Traffic impact is a "big deal" (detailed the number of cars & impact on the roads). Appearance is of Merlin on the fast track. Employees (young families) in the low income bracket- will there be low income housing provided?

Village of Goshen Police estimate a substantial increase in cost for the first year of Legoland for police services.

Estimated ½ million cubic yards of fill to be brought in - visualize a 30 story building of dirt with a footprint the size of a football field - how will the trees be saved adding this amount of dirt?

Repeatedly asked for a meeting with the Town Board members at your convenience or meet with their consultant. Has the Board read letters (400+?) responding to the DEIS-how many letters are pro and con for Legoland? The purpose was to address the DEIS with facts, not to simply say "I Love Legos want to go to Legoland" - balance the content of the letters for the validity to subject matter. The entire business plan is based on assumptions & lies. Who will be accountable if this becomes a zombie amusement park? Who will be accountable - "show me the money"- will there be a bond?

I. EXECUTIVE SESSION:

Councilperson Newbold made the motion to enter into Executive Session to discuss the following;

1. DISCUSS PROPOSED LITIGATION REGARDING ILLEGAL SUBDIVISION

with the intent not to return. The motion was seconded by Councilperson Gallo. Motion Carried

J. ADJOURNMENT: 9:28PM

Priscilla Gersbeck, Town Clerk