

**TOWN OF GOSHEN**  
**TOWN BOARD MEETING**

March 14, 2019

MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 14th day of March, 2019 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:	Kelly Naughton, Esq.	Attorney
	Priscilla Gersbeck	Town Clerk

**A. CALL TO ORDER**

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

**B. AMENDMENT TO THE AGENDA**

Addition to New Business #7: Authorizing the law firm of Burke, Miele, Golden & Naughton, LLP to initiate legal action.

**C. PRIVILEGE OF THE FLOOR (agenda items only)**

**D. NEW BUSINESS:**

**1. HEAR A DISCUSSION BY P.V. ENGINEERING, P.C. REGARDING 833 PULASKI HIGHWAY GOSHEN SOLAR, A 1.65 MW SOLAR PHOTOVOLTAIC ENERGY SYSTEM.**

Rejeam Devaux, Civil Engineer for PV Engineering and Lindsay McEntire, Project Developer for Borrego Solar presented the Board with an overview of Borrego Solar Systems, Inc. This Goshen solar application is for a 1.65 megawatt solar facility on approximately 73 acres along 833 Pulaski Highway/County Route No. 6 (A & B Urbanski Farms). The location is in the Agriculture-Industrial (A1) zoning district with AQ-3 overlay zone. This application requires review by the Town Board and Planning Board.

**2. FOXFIRE LA COLINA IS REQUESTING REVIEW AND ACCEPTANCE OF A "HOLD HARMLESS AGREEMENT" FROM THE TOWN BOARD IN SUPPORT OF PROCEEDING ON WITH SITE PLAN CLEARING AND GRADING.**

Steven Esposito, RLA represented La Colina requesting the acceptance of a Hold Harmless Agreement indemnifying the Town from any claims arising from the proposed onsite activity. A clearing permit application was submitted to the Building Dept. to clear trees from an onsite area of approximately 0.6 acres for future improvements.

**HOLD HARMLESS AND INDEMNIFICATION AGREEMENT  
PURSUANT TO CHAPTER 53 OF THE TOWN OF GOSHEN CODE**

In consideration of the issuance of a Clearing and Grading Permit to Foxfire La Colina, pursuant to Chapter 53 of the Town of Goshen Code and the requirement of Section 53-9(A)(10) of said Chapter, Foxfire La Colina agrees to indemnify and hold harmless the Town of Goshen, its officers, agents and/or employees from any and all liability, claims and costs, including reasonable attorney's fees, arising out of the clearing and

grading activities undertaken in connection with the Foxfire La Colina project, including the activities of the agents, employees, and contractors Foxfire La Colina in connection with said permit.

Councilperson Lyons made the motion to accept said agreement. Councilperson Gallo seconded the motion.

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

0 NAYS

**3. TONY CARDONE, TOWN OF MONROE SUPERVISOR, IS REQUESTING GOSHEN TOWN BOARD APPROVAL OF AN IMA TO ALLOW THE MONROE DIAL-A-BUS TO ENTER INTO THE TOWN OF GOSHEN WITH PASSENGERS FROM MONROE AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME.**

The Town of Monroe is requesting permission for the Monroe Dial-A-Bus, which operates demand-responsive service and that is open to the public, to enter and travel into the Town of Goshen with their passengers to certain doctors' offices and the Government Center. The agreement is valid for a period of 2 years, and may be extended or terminated upon mutual agreement of both parties.

Councilperson Van Der Molen made the motion to accept said Inter-Municipal Agreement. Councilperson Gallo seconded the motion.

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

0 NAYS

**4. APRIL IS TOWN OF GOSHEN TRAINING MONTH:**

▶ *CPR AND AED (DEFIBULLATOR) TRAINING AT 9:00AM, TUESDAY 4/16 IN TOWN HALL EACH DEPARTMENT IS BEING ASKED TO SEND TWO EMPLOYEES FOR SAID TRAINING.*

▶ *PERSONAL SAFETY AND SEXUAL HARASSMENT TRAINING AT 9:30AM AND AGAIN AT 1:00PM, TUESDAY 4/23 IN TOWN HALL. BOTH SUBJECTS ARE MANDATORY FOR ALL EMPLOYEES TO ATTEND TO INCLUDE BOARD MEMBERS (ALL BOARDS). VILLAGE EMPLOYEES ARE BEING INVITED TO ATTEND AS WELL.*

As stated, for information only.

**5. INFORMATION: A PROJECT CALLED "SOUTHSIDE COMMERCE CENTER" IS BEING PLANNED TO BE BUILT IN THE VILLAGE ON LAND ADJACENT TO POLICE DRIVE (SBL 121-1-1.32 AND 13-1-5.11). THE PROJECT CALLS FOR AN 112,500 SQUARE FOOT WAREHOUSE /OFFICE BUILDING WITH AN ENTRANCE /EXIT ROAD CONNECTING TO POLICE DRIVE. THE TOWN PLANNING BOARD IS PARTICIPATING IN THE NYSEQRA REVIEW.**

As stated, for information only.

**6. SET A PUBLIC HEARING FOR TOWN OF GOSHEN CITIZEN INPUT INTO 2020 CDBG (COMMUNITY DEVELOPMENT BLOCK GRANT) PROGRAM PROJECTS: 7:30PM, THURSDAY 3/28 AT TOWN HALL, 41 WEBSTER AVENUE. APPLICATIONS FOR CDBG 2020 GRANTS ARE DUE TO ORANGE COUNTY BY APRIL 26<sup>TH</sup>.**

Under this Program, a variety of physical improvements are eligible depending on the economic needs of the community. The Town will be considering projects to be submitted to the Orange County Community Development Program for 2020.

Councilperson Newbold made the motion to set a public hearing for citizen input for the 2020 Community Development Block Grant program to be held on Thursday, March 28, 2020 at 7:30 p.m., or as soon thereafter, at Goshen Town Hall, 41 Webster Avenue, Goshen, NY. Councilperson Gallo seconded the motion.

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

0 NAYS

**7. AUTHORIZING THE LAW FIRM OF BURKE, MIELE, GOLDEN & NAUGHTON, LLP TO INITIATE LEGAL ACTION.**

Attorney Naughton explained that it has been brought to our attention La Colina has events planned for this year. However, the necessary plans for approvals/permits are at the Planning Board for review and have not been granted to host large events and/or gatherings.

TOWN OF GOSHEN  
**County of Orange, State of New York**  
RESOLUTION

**AUTHORIZING THE LAW FIRM OF BURKE, MIELE, GOLDEN & NAUGHTON, LLP TO INITIATE LEGAL ACTION**

INTRODUCED BY: Councilmember Kenneth Newbold

SECONDED BY: Councilmember George Lyons

DATED: March 14, 2019

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 14th day of March, 2019.

**WHEREAS**, Foxfire La Colina and/or Rene and Perry Symonds have violated the Town Code by using the property known on the Town of Goshen Tax Maps as Section 12, Block 1, Lot 45.222 for large events and/or gatherings, without the proper approvals being granted or permits being issued; and

**WHEREAS**, it is public knowledge that Foxfire La Colina and/or Rene and Perry Symonds intend on using the property in said fashion and hosting similar events in the near future; and

**WHEREAS**, the Town Board of the Town of Goshen wishes to enjoin the property owner from using the property in said fashion and hosting such events in violation of the Town Code, and which have safety and general welfare concerns for the Town residents, unless and until the proper approvals and permits have been granted.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Goshen Town Board hereby authorizes Burke, Miele, Golden & Naughton, LLP, Goshen, New York, to prepare all necessary papers, and file in the New York State Supreme Court, or any other court of appropriate jurisdiction, any legal action or actions necessary, and any appeals, at such time as is permitted by law and upon any appropriate cause of action and/or violation, against Foxfire La Colina and/or Rene and Perry Symonds, or any other appropriate party, and seeking any lawful remedies under State and local law, including injunctions, fines and penalties, to enjoin any future violations of this nature.

On a Voice Vote, Resolution carried by: 5 AYES      Bloomfield, Gallo, Lyons, Newbold, Van Der Molen  
0 NAYS

**E. OLD BUSINESS:**

**1. THE FIVE YEAR CONTRACT MOA HAS BEEN AGREED TO BY THE TOWN OF GOSHEN CSEA EMPLOYEES, UNIT #7926. THE SUPERVISOR NEEDS BOARD APPROVAL TO SIGN THE FINAL CONTRACT.**

Councilperson Lyons made the motion to authorize the Supervisor to sign the final contract MOA between the Town of Goshen and the CSEA Employees Unit#7926. 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

Supervisor Bloomfield thanked those who worked with him on this contract.

**2. GIVE RETROACTIVE APPROVAL FOR PLACEMENT OF A PRIVATE WATER MAIN WITHIN THE TOWN'S RIGHT-OF-WAY FOR THE ORANGE AND ROCKLAND TRAINING FACILITY SUBJECT TO AN INDEMNIFICATION, HOLD HARMLESS AND MAINTENANCE AGREEMENT.**

Attorney Naughton reviewed the Indemnification and Hold Harmless Agreement & Access, Construction & Maintenance Easement for the Orange and Rockland Training Facility. This permanent Easement will permit access to the Easement Area and the performance of maintenance and repairs to Grantee's water and sewer lines located therein. The Grantee shall maintain any improvements constructed or installed within the Easement Areas at their own expense. The Grantee agrees to indemnify and hold harmless the Town of Goshen, its officers, agents and/or employees from any and all liability, claims and costs, including attorney's fees.

Councilperson Gallo made the motion to accept the Indemnification and Hold Harmless Agreement as presented, and to authorize the Supervisor to sign the document. Councilperson Van Der Molen seconded the motion.

Upon Roll Call Vote:

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

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

**F. FINANCE:**

Councilperson Newbold made the motion to authorize the Supervisor to pay Accounts Payable check run for March 14, 2019 in the amount of \$235,236.39. Councilperson Lyons seconded the motion.

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

**G. PRIVILEGE OF THE FLOOR**

**Nick Gallo** asked if item #3 is reciprocal – can the Goshen Dial-A-Bus go into Monroe? Ans: No, only to Chester. Secondly, is there a chance that the Town Hall water fountain can be fixed for public use? Ans: we will look into this.

**Chris Miele** inquired as to how the riders coming into Goshen on the Monroe Dial-A-Bus will return to Monroe. Ans: normally a group will be riding into Goshen and the Monroe Dial-A-Bus will wait for them.

**Sandra Rothenberger** read a letter pertaining to inadequate road infrastructure. The Concerned Citizens for the Hudson Valley have continuously warned the Town that "traffic congestion is becoming a reality". In her opinion, the logistics and cost of adding a third lane between Harriman and the Town of Wallkill cannot be completed in a timely fashion. With all of the new projects, she is concerned that "Goshen would be one large parking lot once Legoland opened". [Letter is on file in the Clerk's Office] Response: a flyover will be in place before Legoland opens. Also, the State of New York was reminded at a recent meeting to promptly act on road improvements. The Governor's office currently spent millions of dollars reconfiguring the toll booth in Harriman to ease traffic flow. According to the SEQRA review of the traffic study it was indicated that with improvements Route 17 will be manageable.

**Debra Corr** stated that last night as she was riding on Route 17, around 9:30pm, she believed she saw 20 empty dump trucks lined up on Harriman Drive. What are they doing there? Ans: no work is allowed to be done on the Legoland site at that time of night. Perhaps it is road work being done on Harriman Drive. This will be looked into. Ms. Corr referenced a letter from DOT Lee Zimmer dated October 31, 2016 to Lee Burges. Listed are seven road improvements to be made before opening date of March 2020. [Letter is on file in the Clerk's office] She also named other roads for improvements. She questioned who is paying for all of the road improvements and are they actively working on them?

She inquired as to the flyover specifications as "the flyover would not meet the federal interstate standards and could preclude this section of Route 17 from becoming 1-86". Response: plans for road improvements and traffic issues have been addressed and approved. Her questions were answered by Neal Halloran. (Details are inaudible) Visitors to a new casino and a future water park in Monticello along with employees/visitors to Legoland, employees for Amy's Kitchen and all of the other businesses in/coming into New York State make Supervisor Bloomfield nervous. He believes that the officials in Albany do not understand and listen to us as to what we need to make New York State grow. With Start-Up-New York and Empire Zone, etc. officials need to take a close look at the transportation infrastructure. To conclude: Supervisor Bloomfield stated "Legoland is not Legoland Goshen New York, Legoland is Legoland New York".

**Neal Halloran** asked if mandatory employee training (item #4) will be offered during the evening hours. Ans: Check with Mary Riso who is setting up the schedule.

**H. ADJOURNMENT: 8:25PM**

Councilperson Gallo made the motion to adjourn to enter into Attorney Client meeting. Councilperson Lyons seconded the motion. Motion carried.

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Priscilla Gersbeck, Town Clerk