

TOWN OF GOSHEN
TOWN BOARD MEETING

April 26, 2018

MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 26th day of April, 2018 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 VanDerMolen	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 7:31 pm, followed by the Pledge of Allegiance.

Supervisor Bloomfield called for a moment of silence for the passing of Richard (Dick) Roberts. Active in the community, he served on the Town Board 2001 – 2004.

B. AMENDMENT TO THE AGENDA

C. PRIVILEGE OF THE FLOOR (agenda items only)

D. REPORTS:

Councilperson Van Der Molen reporting for the Senior Commission, the AARP Defensive Driving Class for April 30 is filled. The Senior Prom put on by the Goshen High School Interact Club was held on April 20th was a big success. The insurance company has agreed to cover the entire cost of a new building sign, replacing one that was accidentally driven into. Seats are going fast for the Mohegan Sun Casino bus trip on May 9th. A spring barbeque will be held on June 11th. It is free to all Senior Club members, being sponsored by Senior Center Commission member Pete Smith who owns Elsie's Luncheonette.

Councilperson Newbold reported that yesterday morning a 37 foot submerged pressurized water tank was repaired and placed back on line in Arcadia Hills.

Councilperson Lyons reported for the Highway Department who had not received the memo that spring was cancelled this year. Snow, or the threat of snow, continued from the end of March into mid-April. Two storms occurred (3/21-3/22 and 4/2/18) which required treatment and plowing. Crews have been out repairing damage to lawns that occurred when plowing and the ground is not frozen. Brush cutting and cold patching continues. Trucks and a backhoe spent several days filling potholes with item 4 on Indiana Road. Shoulder material was added to several areas along Arcadia Road where the pavement surface was higher than the shoulder surface. A crew dug and installed an underground conduit to replace the overhead electrical power at well #52 in Arcadia Hills. This was necessary since the rotten meter pole broke and recently fell, disabling the power to the well. Tilcon opened their asphalt plant on 4/23/18. This allowed us to patch (1) water main break area in Stonehedge and (1) in Arcadia Hills. Spring cleanup has been underway since 4/23/18. On April 3rd an inspection from the NYS DOT Passenger Transportation Safety Board was conducted of Dial-A-Bus. The purpose of the site

inspection is to ensure that the Town Dial-A-Bus is following the policies and procedures as stated in the System Safety Program Plan. The review found the Town Dial-A-Bus with no deficiencies and to be in compliance with all areas inspected. Thank you to Michele Radakovits' for her impeccable record keeping of multiple items necessary for the proper control of the Dial-A-Bus operation.

Councilperson Gallo noted that all of the parks are officially open. There is a volley ball court at Ganley Park. Erie Street Park basketball courts are being repaved. A running program has been started at Salesian Park. She is still working to finalize a decision for locating a basketball court in Arcadia Hills. The JRC is looking at the possibility of a day travel camp for older children. Reminder: the JRC meets on the 2nd Tuesday every month in the Village Hall at 7PM. Meetings are open to the public.

Supervisor Bloomfield met with the CEO of Tilcon and two residents from Northgate. Discussion covered the noise and dust issues created by activities associated with Tilcon's operations. The dust problem has been satisfactorily addressed. However, Tilcon is still looking into ways to "baffle" excessive noise. Secondly, he attended Troop #62 Eagle Scout ceremony. Three scouts achieved the Eagle Scout Award. Thirdly, he attended a GOVAC recognition meeting. This is where volunteers are recognized for their time. Councilperson George Lyons was awarded for putting in 2,700+ (the most) hours in one year. Congratulations George! Lastly, he attended the Association of Cities, Towns and Villages meeting. The Superintendent from the Orange County DPW reported on the many large county projects covering bridges, sewer plants, roads etc. Another topic discussed was The Greens of Chester development and the impact on the community.

E. OLD BUSINESS:

1. DISCUSS STATUS OF LEGOLAND LITIGATION, INCLUDING RECENT DECISION ON REFERENDUM ON THE SALE OF TOWN-OWNED LANDS AND DETERMINATION NOT TO APPEAL.

Attorney Golden explained the judgement in the recent litigation, whereas the case against the Town Planning Board's decision approving multiple issues pertaining to the Legoland project was dismissed in its entirety. Furthermore, Legoland opponents filed to the Appellate Division for a *temporary* restraining order to stop the work on the project until the court could listen to arguments on a preliminary injunction, which would stop the project while the law suit was in review. This was denied by the judge, allowing the project to continue. Remaining is a motion before the Appellate Court for a *preliminary* injunction stopping all work on the project until the law suit is decided. We will file opposition papers on April 30th. The court will decide the first couple of weeks in May.

Secondly, the Town Board passed a resolution to sell 8 small unconnected parcels totaling 9.6 acres which is subject to a permissive referendum. The Legoland opponents circulated a petition and secured a number of signatures challenging the resolution. The validity of the petition was challenged by the Town. The lower court agreed with the Town. However, Legoland opponents appealed the decision. Hence, the other court reviewed the documents and stated that the petition was fine. The Town objections were not valid, reversing the lower court decision. The referendum was to proceed, but did not state a time frame. A decision was to choose a date at the end of June. The Town has the "right" to ask for *permission* to appeal the decision at the Court of Appeals. He believed the court will accept our case. In an Attorney-client meeting with the Board, the Board Members indicated they did not want to appeal the decision and want to go ahead with the referendum.

Councilperson Van Der Molen made the motion not to appeal the Appellate Division case to the highest court with respect to the referendum litigation. Councilperson Newbold seconded the motion.

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.

Attorney Golden noted that June 26, 2018 is a tentative date for the referendum to go forward. Many steps are to be taken before the referendum is to take place. He will advise the Town Board and Town Clerk as to the legalities of conducting a special election.

F. NEW BUSINESS:

1. REVIEW BID PROPOSALS TO INSTALL ADA APPROVED DOORS IN THE PARKING LOT ENTRANCE OF THE TOWN HALL AND APPROVE THE \$51,100.00 BID RECOMMENDED BY FUSCO ENGINEERING.

Councilperson Newbold made the motion to approve the bid proposal to install ADA doors in the parking lot entrance of the Town Hall and approve \$35,850.00 (Base Bid) and \$15,250.00 (Alternate A) amounting to \$51,100.00 submitted bid from Watt Construction, Goshen, NY as recommended by Fusco Engineering. Councilperson Gallo seconded the motion.

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.

2. REVIEW BID PROPOSALS TO PAVE THE GOSHEN TOWN HALL PARKING LOT AND APPROVE THE \$80,710.27 BID RECOMMENDED BY FUSCO ENGINEERING.

Councilperson Newbold made the motion to approve the bid proposal to pave the Goshen Town Hall parking lot and approve the \$80,710.27 bid from Consorti Bros Paving, Newburgh, NY as recommended by Fusco Engineering. Councilperson Gallo seconded the motion.

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. APPROVE REQUEST BY THE TOWN OF GOSHEN BUDGET OFFICER TO MAKE 2018 YEAR-TO-DATE BUDGET TRANSFERS

Budget Officer, Christine Cavaliere, is "requesting approval to make year-to-date budget transfers in all funds to cover Expenditure Accounts that have exceeded their budgeted amounts. These transfers will be funded by Contingency Account budgets, from accounts with excess budget amounts available for transfer, and from Fund Balance Accounts where necessary." (Lists 4/12/18 and 4/26/18 were attached).

Councilperson Van Der Molen made the motion to approve the request by the Town Budget Officer to make 2018 year-to-date budget transfers. Councilperson Lyons seconded the motion.

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

4. INFORMATION: ORANGE & ROCKLAND UTILITIES IS PLANNING TO OPERATE A "TRAINING CENTER" ON OLD CHESTER ROAD AND HAS REQUESTED TO CONNECT TO VILLAGE OF GOSHEN WATER & SEWER SERVICES.

On Old Chester Road past the Slate Hill Cemetery off to the left is a big old white house. Orange & Rockland has owned this parcel for years. They want to utilize this building to train employees. The well & septic is not adequate. The Village has agreed to allow O & R to hook-up to the Village water & sewer lines.

5. INFORMATION: GOSHEN MEMORIAL DAY PARADE WILL BE HELD ON MONDAY, MAY 28, 2018. LINE UP WILL BE LOCATED ON ERIE STREET BETWEEN 10:00AM AND 10:30AM – PARADE STEP OFF AT 11:00AM SHARP.

As stated, for information only.

G. FINANCE:

Councilperson Gallo made the motion to authorize the Supervisor to pay Accounts Payable check run for April 26, 2018 in the amount of \$225,089.36. Councilperson Lyons 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 (in summary)

Nick Gallo thanked the Highway Dept. for the nice job in repairing the sewer cover in Arcadia Hills. He questioned the wording on the referendum. Ans: the Attorney will draft the language (simple & straight forward) framed by case law for Board approval and file it with the Clerk. He asked for clarification of the preliminary injunction bond requirements. Ans: the wording is dictated by State laws.

On another note, he believes that the 8 properties boarding Lindenwood Dr. are under water all of the time. Ans: the Town hasn't decided if it will actually purchase the parcels. He questioned if the parcels are purchased, will they become part of Legoland's emergency exit? Ans: Not in the plans – was never

purposed by Legoland therefore cannot be used for an emergency exit. Lastly, he is worried about the possibility of the Otterkill, surrounding water supply and wells being polluted from the Legoland project. **Jessica Corr** addressed the issue of Legoland clear cutting. She took nine photographs at the same vantage points on the same roads that were in the Legoland DEIS Visual Impact Study. She believes by comparing her photographs to the photographs in the Legoland DEIS Visual Impact Study, the DEIS photographs are false. She would like to submit her photographs. Ans: Submit them. Next topic: she referred to the eight parcels the Town is planning to purchase in Arcadia Hills classified as "Green Space". Ans: *some* of the eight parcels are referenced as "Green Area" which has no meaning to the purchase. What has meaning is whether something is offered for recreation-parkland or accepted for that purpose. This didn't happen, they are just parcels of land. She also inquired about the two triangle parcels in the middle of the parking lot. Ans: The Planning Board approved the anticipated development of portions of the two triangle parcels. If Legoland does not get the two triangle parcels, they will redesign the parking lot and return to the Planning Board for approval.

I. ADJOURNMENT:

Councilperson Lyons made the motion to adjourn the meeting. Councilperson Van Der Molen seconded the motion. Motion carried.

Time: 8:55PM

Priscilla Gersbeck, Town Clerk