

TOWN OF GOSHEN
TOWN BOARD MEETING

May 10, 2018
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 10th day of May, 2018 at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:	Kenneth Newbold	Deputy Supervisor
	Melissa Gallo	Councilmember
	George Lyons	Councilmember
	John VanDerMolen	Councilmember

Absent: Douglas Bloomfield Supervisor

Also Present: Kelly Naughton, Esq. Attorney
Priscilla Gersbeck Town Clerk

A. CALL TO ORDER

The meeting was called to order by Deputy Supervisor Newbold at 7:31 pm, followed by the Pledge of Allegiance. Supervisor Bloomfield is out of town attending his granddaughter's graduation from law school.

B. AMENDMENT TO THE AGENDA

C. PRIVILEGE OF THE FLOOR (agenda items only)

D. NEW BUSINESS:

**1. REVIEW AND APPROVE THE 2018 TOWN OF GOSHEN ROAD PROGRAM AND
AUTHORIZE THE SUPERINTENDENT OF HIGHWAYS TO UTILIZE BIDS ALREADY
ACCEPTED BY ORANGE COUNTY.**

Superintendent of Highway, Broderick Knoell, presented his 2018 Road Improvement Summary and Agreement to Spend Highway Funds to the Board. The 2018 Town Road improvement fund is \$930,000.00, the Chips 2018 fund is \$144,802.61 and the 2018 Pave NY plus 2018 Extreme Winter Recovery is \$60,042.36 will provide the total revenue amounting to \$1,134,844.97. The 2018 planned expenditures is \$1,034,465.12 leaving a fund balance of \$100,379.85.

Under General repairs, the sum of \$211,800.00 may be expended for general repairs upon 72.85 miles of town highways, including roads, culverts, and bridges, noted Mr. Knoell. [Details of the road improvement summary are in the Clerk's office].

Councilperson Lyons made the motion to accept the Road Improvement plan for 2018 and authorize the Board to sign the *Agreement To Spend Highway Funds* as presented. Councilperson Van Der Molen seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>ABSENT</u>	Councilperson, John VanDerMolen	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>	Councilperson, Melissa Gallo	<u>AYE</u>
Deputy Supervisor, Kenneth Newbold	<u>AYE</u>		

Vote: Motion carried by a vote of 4 to 0.

Deputy Supervisor Newbold informed the Board that today a water force-main broke on Harriman Drive. Broderick Knoell explained that earlier in the day water was seen bubbling up on the side of the road. By 4:00 pm all of the necessary equipment identified the exact location of the shear break and was repaired. Mr. Knoell believes that the heavy/large trucks used for the Legoland project are traveling too close to the edge of the road in the area where the main is. Perhaps the area can be coned off.

2. APPOINT RICHARD D. FLORIO TO THE TOWN OF GOSHEN ZONING BOARD OF APPEALS.

Councilperson Lyons made the motion to appoint Richard D. Florio to the Town of Goshen Zoning Board Of Appeals effective 5/10/2018. Councilperson Gallo seconded the motion.

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

3. DISCUSS PROPOSAL BY ORANGE COUNTY REAL PROPERTY OFFICE TO SELL EIGHT (8) ADDITIONAL BUILDING LOTS ON LINDENWOOD DRIVE IN ARCADIA HILLS. THE COUNTY IS NOW OFFERING THE EIGHT LOTS ORIGINALLY AGREED TO BY THE TOWN AND THE ADDITIONAL EIGHT (8) LOTS FOR \$22,300. ALL OF THESE LOTS ARE IN A FLOOD PLAIN AND ARE NOT DESIRABLE FOR HOME CONSTRUCTION. THE PURCHASE OF THESE LOTS, PROVIDES POTENTIAL TO ELIMINATE THE LINDENWOOD SANITARY SEWER LINE, A MAJOR SOURCE OF INFLOW AND INFILTRATION AND ADDITIONAL PARKLAND FOR JOINT RECREATION. THE BUDGET OFFICE RECOMMENDS FUND "A" TOWN-WIDE FUNDS BE USED FOR THE PURCHASE.

This was tabled for the next meeting. Attorney Naughton will submit a resolution for approval.

4. RICK BOSSLEY, GOSHEN HUMANE SOCIETY, CONTRACTED DOG CONTROL OFFICER, IS REQUESTING PREVENTATIVE RABIES VACCINATION AND DOG HANDLING TRAINING AT A COST OF \$1750.00.

Mr. Bossley was called to a home of a deceased citizen by the Goshen Town Police to secure a large dog. This incident prompted a need for preventive measures for the dog control officer. The rabies vaccinations (3 separate injections) amounting to less than \$1,400 and five dog handling sessions in the amount of \$350 were requested by Mr. Bossley.

Councilperson Gallo made the motion to approve the request for preventative rabies vaccinations and dog handling sessions in the amount of \$1,750.00 to the dog control officer. Councilperson Lyons seconded the motion.

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

E. OLD BUSINESS:

1. DISCUSS AND PASS RESOLUTION TO RESCIND RESOLUTION DATED SEPTEMBER 14, 2017 TO SELL TOWN OWNED LANDS TO MERLIN ENTERTAINMENTS GROUP. (SEE ATTACHED LETTER DATED MAY 7, 2018).

Deputy Supervisor Newbold read the letter addressed to the Supervisor & Town Board Members from Dominic Cordisco Esq. of Drake Loeb PLLC representing Merlin Entertainments:

"Merlin Entertainments Group U.S. Holdings Inc. ("Merlin Entertainments") previously offered to purchase certain Town-owned land adjacent to the LEGOLAND New York theme park. Construction is progressing, with an expected opening in spring 2020. To avoid possible delay, Merlin Entertainments hereby withdraws its offer to purchase the Town-owned land. Unfortunately the delayed referendum now adversely affects our schedule. Thank you for your courtesies and consideration. We apologize for any inconvenience to the Town."

TOWN OF GOSHEN
Resolution

RESCINDING THE TOWN BOARD'S SEPTEMBER 14, 2017 RESOLUTION ENTITLED, "RESOLUTION AUTHORIZING THE SALE OF CERTAIN LANDS OWNED BY THE TOWN OF GOSHEN TO MERLIN ENTERTAINMENTS"

INTRODUCED BY: Councilperson George Lyons

SECONDED BY: Councilperson Melissa Gallo

Dated: May 10, 2018

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held at the Town of Goshen Town Hall on the 10th day of May, 2018, the following resolution was introduced:

WHEREAS, by Resolution dated September 14, 2017, entitled "Resolution authorizing the sale of certain lands owned by the Town of Goshen to Merlin Entertainments", the Town of Goshen authorized the sale of certain lands owned by the Town to Merlin Entertainments; and

WHEREAS, the Town Board is in receipt of a letter dated May 7, 2018 from Dominic Cordisco, Esq., Attorney for Merlin Entertainments, advising that to avoid possible delay, Merlin Entertainments withdraws its offer to purchase the properties authorized for sale in said Resolution; and

WHEREAS, Merlin Entertainments does not desire to purchase such properties, the Resolution authorizing the sale of properties to Merlin Entertainments is no longer necessary.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Goshen Town Board hereby rescinds its Resolution, dated September 14, 2017, entitled "Resolution authorizing the sale of certain lands owned by the Town of Goshen to Merlin Entertainments"; and

BE IT FURTHER RESOLVED, because the Resolution authorizing the sale of such lands has been rescinded, the referendum scheduled on such Resolution cannot proceed, and the Town Clerk is hereby instructed to cease preparations for the holding such said referendum.

Upon Roll Call Vote:

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

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

Vote: Resolution carried by a vote of 4 to 0.

F. FINANCE

Councilperson Gallo made the motion to authorize the Supervisor to pay Accounts Payable check run for 5/10/18 in the amount of \$111,919.00 and Manual A/P Runs as of 4/30/18 amounting to \$15,682.17. Councilperson Van Der Molen seconded the motion.

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

Councilperson Gallo requested "that if you have any questions or inquirers that they stem from curiosity rather than malice. This will make things a lot smoother for privilege of the floor."

G. PRIVILEGE OF THE FLOOR (in summary)

Ellen Guerrera with no purchase, will Merlin have to change the site plan? Ans. They can proceed under the current permit, but at some time the site plan will need to be revised.

Nick Gallo when the site plan has to be revised, will it have to go through any approvals such as environmental, conservation etc.? Ans: Many of the approvals were studied under SEQRA, but will have to go back before the Planning Board. The town owned properties have not been touched.

H. ADJOURNMENT

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

Time: 7:55PM

Priscilla Gersbeck, Town Clerk