

TOWN OF GOSHEN
TOWN BOARD MEETING

May 25, 2017

MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 25th day of May, 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 VanDerMolen	Councilmember

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

C. PRIVILEGE OF THE FLOOR (agenda items only)

None at this time.

D. REPORTS:

Councilwoman Gallo: Reporting for JRC; the camps are gearing-up for the season. Registration is open. The JRC is seeking quotes for putting up a basketball court in Arcadia Hills.

Sean Hoffman is preparing a proposal for a grant (offered through Senator Bonacic office) to repair the Town Hall roof. A meeting was held at the Senior Center with Al Fusco P.E. and members of the Orange County Community Development Block Grant as part of the application to receive monies for replacing two entrance doors with ADA doors (automatic openers). Hopefully we will receive the grant this year.

Councilman Lyons: Reporting for Highway; the bulk pick-up and brush clean-up are completed. Both mowers have begun roadway mowing. Working in conjunction with the Joint Recreation Dept. grading/spreading item #4 material at Salesian and Craigville Parks roadways was completed. At Craigville some of the drainage ditches were cleaned and the back-field parking lot was enlarged with item #4 materials. On another note, a turn-around area was constructed at the dead end of McNamara Road using waste soil from the Highway garage. This is to aid the plow trucks when turning around. Repair work to catch basins on Pleasant Ridge Run and Scotchtown Park are ongoing. Work continues on the Arcadia water and sewer easement roads. Finally, the Salesian Park temporary access road has begun. The Village DPW cut the small trees and brush along the easement. The Town Highway Dept. has started cutting out the topsoil to prepare for base materials.

Councilman Newbold: Meetings between Amy's professionals and the Town professionals are working out complex issues associated with the project, which is coming along very nicely.

Councilman VanDerMolen: Reporting for the Senior Center; two Commission members took the CPR course. The 911 Center sponsors CPR classes and will look into scheduling a class for all the seniors. On July 9th the Goshen Girl Scouts will put on a Luau party for the seniors. The banquet tables in the Senior Center will be replaced by a State grant. This year all of the senior complex landscaping was done by Dr. Elliot Mayefsky. Thank you to Dr. Mayefsky for a job well done. Mah Jongg and Zumba have been replaced with Belly Dancing and Seated Yoga Stretch & Release program.

Supervisor Bloomfield: Cautioned the public as to the hazards related to operating outdoor equipment during this time of year. Recently two people died while operating equipment: a tractor and a lawn mower. The actual cause of death has not been determined. However, everyone should be cautious when operating outdoor equipment. Along with our Budget Officer he attended a workshop on sharing services to save money. The Town of Goshen has in place a plan for sharing services which are (1) Dial-A-Bus with the Village of Goshen, Village of Chester and the Town of Chester (2) Senior Center with Goshen Town & Village (3) the Joint Recreation Commission with Goshen Town & Village and (4) our spring clean-up took one week, because we used compactor garbage trucks from the Village of Goshen & Village of Florida. On another note: Amy's Kitchen is scheduled to build a temporary bridge across the Walkill River in June. This will aid moving dirt in order to construct a permanent bridge. Work on 17M turning lane will begin soon.

Councilperson Newbold recognized the attendance of Legislator James O'Donnell.

E. OLD BUSINESS:

1. INFORMATION: CLEAN-UP OF 143 OLD MINISINK TRAIL PROPERTY HAS BEEN COMPLETED

As stated, for information only.

2. DISCUSS AND APPROVE A RESOLUTION TO SETTLE THE MANUEL SAC TEPAZ LAWSUIT AGAINST THE TOWN OF GOSHEN AND THE GOSHEN TOWN POLICE DEPARTMENT BY PAYING AN AGREED SETTLEMENT OF \$7,500.00.

Attorney Golden explained this lawsuit is for an alleged false arrest by the Town of Goshen Police in connection with a warrant out of New York City. The evidence points to the fact that it was not wrongful and entirely proper. A few factual issues could not get resolved through summary judgement motions. Ultimately, if this went to trial it is believed that the police are entirely creditable and would prevail. The insurance company suggested to accept the "reasonable settlement offered". If the Town wanted to pursue with a trial there is the *risk* that a jury could side with the Plaintiff possibly costing the Town several millions of dollars. This is noted in the following resolution.

TOWN OF GOSHEN
Resolution

CONSENTING TO SETTLE THE TEPAZ LITIGATION FOR THE AMOUNT OF \$7,500

INTRODUCED BY: Councilperson John Van Der Molen

SECONDED BY: Councilperson Melissa Gallo

Dated: May 25, 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 25th day of May, 2017, the following resolution was introduced:

WHEREAS, Manuel Sac Tepaz has commenced a lawsuit against the Town of Goshen and the Town of Goshen Police Department in the Supreme Court of the State of New York, County of Orange, Index No. 8744/15; and

WHEREAS, the parties have been engaging in settlement discussions and the Plaintiff's demand has been reduced to \$7,500; and

WHEREAS, the Town's insurance carrier has requested that the Town consent to settle this matter for \$7,500; and

WHEREAS, if the Town does not consent to settle this matter for \$7,500 the Town's insurance carrier will not indemnify the Town for any judgment or loss adjustment expenses (legal fees and costs) above \$7,500;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Goshen hereby gives its consent to settle the Tepaz litigation for the amount of \$7,500; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Goshen is not admitting any liability by consenting to settle this matter.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield AYE
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 5 to 0.

F. NEW BUSINESS:

1. DISCUSS AND APPROVE GRANTING TOWN LAND FOR A TEMPORARY CONSTRUCTION EASEMENT TO THE ESTATES AT ROLLING RIDGE LLC. AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME.

The Estates at Rolling Ridge abuts Howard Court with a connector road. This temporary easement allows Rolling Ridge developers to construct a roadway on the Town's property to build a 22 lot subdivision. Once the subdivision is completed the roadway will be a town road. [Temporary Construction Easement is on file in the Clerk's office].

Councilperson Lyons made the motion to approve granting town land for a temporary construction easement To the Estates at Rolling Ridge LLC, and authorize the Supervisor to sign the same. Councilperson Newbold seconded the motion.

Discussion: Councilperson Lyons suggested a Hold Harmless Clause to be inserted into this easement.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield AYE
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 5 to 0.

G. FINANCE:

Councilperson Gallo made the motion to authorize the Supervisor to pay Accounts Payable check run as of May 25, 2017 in the amount of \$155,105.38. 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

H. PRIVILEGE OF THE FLOOR

Comments regarding the Legoland project: Fill has been dumped on the south side of Arcadia Rd. near the proposed Legoland access road – why? Answer: this is ongoing to stabilize the road.

What will become of the Arcadia wells on lands proposed to sell to Merlin –wells will not be sold.

The purpose of the sign in sheet? Answer: to allow time for everyone to have a chance to speak. Other municipalities do this.

Traffic plan presentation – was the projected amount of casino traffic included in this plan? Would like to know the process to get her rights represented. Effects on my quality of life that I pay my taxes for.

Noted the attendance of Attorney Golden at the CC4HV informational meeting on May16th.

Currently, Legoland is the only proposed buyer interested in the nine parcels. What if another entity counter offers to purchase those parcels? If the Legoland proposal fails, there is an interested party who will submit an offer, possibly to be turned over to the Town for a park. Seems that there is a “lock” on this.

Can Legoland pay for testing of the water in the Otterkill? As a threatened stream it would be beneficial to everyone to have a baseline. Answer: Legoland addressed environmental concerns in the FEIS. If testing the stream was part of that scope it will be addressed in the report.

The FEIS has a section pertaining to the assessed value of the nine parcels. Is it possible to sell or auction the nine parcels at a higher price than what is listed? Answer: The town is obligated to sell the parcels at a reasonable price. Factors in the FEIS are Legoland’s own appraisal. The Town will get its own independent appraisal (paid for by Legoland) for a reasonable value for each of the parcels. Then the Town can decide whether it wants to sell it at that value. What if someone else expressed an interest to buy these parcels at a higher price? Answer: At that time the Town Board will make a decision.

Status for an independent cost benefit analysis?

Impact to wetlands: overall greater draw from the reservoirs – less water flowing into the wetlands behind Arcadia Hills. Referenced a letter submitted to the Town date stamped May 25, 2017. Greater attention should be given to analyze what will happen in a broad range of contaminants in runoff, drought conditions, town & village wells, and Moodna watershed/ecosystem.

Pertaining to MS4: Attorney Kelly Naughton read a statement from the Town Engineer (Sean Hoffman, PE)

“NY State Pollution Discharge Elimination System (SPDES) permit procedures require the Town, as a newly designated operator of a regulated Municipal Separate Storm Sewer System, MS4, to file an Annual Report to continue to maintain permit coverage. A draft of the Annual Report for reporting period ending March 9, 2017 will be posted to the Town’s website by Tuesday, May 30th. The report compiles with the DEC mandatory format. The report will be filed with the State prior to the deadline of June 1, 2017.”

I. EXECUTIVE SESSION:

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

1. CSEA NEGOTIATIONS
2. ATTORNEY CLIENT DISCUSSION – CANCELLED TAX CHECK

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

J. ADJOURNMENT: 8:30PM

Priscilla Gersbeck, Town Clerk