

TOWN OF GOSHEN
TOWN BOARD MEETING

July 26, 2018

MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 26th day of July, 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
	John Van Der Molen	Councilmember
Absent:	George Lyons	Councilmember
	Kenneth Newbold	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 7:30 pm, followed by the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

C. PRIVILEGE OF THE FLOOR (agenda items only)

D. REPORTS:

Councilperson Van Der Molen reported that the Senior Center Commission has suspended meetings for July & August. The *Mah Jong* and *Make and Take Crafts* have been suspended over the summer months, because of people on vacation. The Goshen Senior Club will be hosting an ice cream social on Monday, August 13th at 11:45. All Goshen seniors are invited to attend.

Councilperson Gallo reported for Parks & Recreation; two Girl Scouts and one Eagle Scout attended the meeting with projects to improve various areas of Craigville Park for badge requirements. The grounds maintenance dept. traded in a tractor to purchase a mower. The fencing at Salesian Park has been repaired. The committee is looking for places to construct a Pickle Ball court. Day Camp is in full swing.

Supervisor Bloomfield noted that Stonehedge Development had two water main breaks in one day. He attended a meeting at the 911 Center finalizing a "resource sharing plan" for Orange County. The plan will be reviewed by the Supervisors and Mayors then the Orange County Legislature before it goes to Albany.

Councilperson Lyons report for the Highway Department is on file in the Clerk's office.

E. OLD BUSINESS:

1. DISCUSS TOWN OF GOSHEN INTRODUCTORY LOCAL LAW NO 1 OF 2018 REPEALING MANDATORY AFFORDABLE HOUSING PROVISIONS IN THE TOWN ZONING CODE.

Supervisor Bloomfield read the sections in Chapter 310: Zoning in the Code of the Town of Goshen to be repealed: Section 97-15(L), Section 97-15(P)(4), Section 97-18(F) and Section 97-24. Under Section 4 – Existing Approvals: "To the extent that any project has completed the subdivision review process before the Planning Board, whether or not a plat has been filed with the Orange County Clerk's office, there shall no longer be a requirement for mandatory affordable housing".

- 2. DISCUSS AND PASS MOTION FOR THE TOWN OF GOSHEN BOARD TO ASSUME LEAD AGENCY UNDER SEQRA AND TYPE THE ACTION AS UNLISTED AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME.**

Motion was made by Councilperson Gallo, seconded by Councilperson Van Der Molen.

On a Voice Vote, the motion passed:

- 3 AYES: Bloomfield, Gallo, Van Der Molen
- 0 NAYS
- 2 ABSENT: Lyons, Newbold

- 3. SET A PUBLIC HEARING FOR INTRODUCTORY LOCAL LAW NO. 1 OF 2018 FOR SEPT. 13, 2018.**

Councilperson Van Der Molen made the motion to set the public hearing for September 13, 2018 at 7:30pm or soon thereafter at 41 Webster Ave. to hear citizen input for Introductory Local Law No. 1 of 2018, "Repealing the Mandatory Affordable Housing Provisions in the Town Zoning Code". Councilperson Gallo seconded the motion.

On a Voice Vote, the motion passed:

- 3 AYES: Bloomfield, Gallo, Van Der Molen
- 0 NAYS
- 2 ABSENT: Lyons, Newbold

- 4. DISCUSS AND PASS MOTION TO RETURN TO MAKAN LAND DEVELOPMENT, LLC A \$10,000 SECURITY PAYMENT TO MITIGATE POTENTIAL PROBLEMS TO INDIVIDUAL WATER SUPPLY WELLS. NO PROBLEMS HAVE BEEN REPORTED TO THE BUILDING OFFICE. ISSUANCE OF THE REFUND SHOULD BE CONTINGENT UPON PAYMENT TO THE TOWN OF ANY UNPAID BILLS.**

The \$10,000 in escrow money was approved by the Planning Board in 2009 as security to mitigate potential problems to individual water supply wells. Mr. Makan still owes the Town \$1,000 for 2 lots as part of the Water Mitigation Agreement.

Motion was made by Councilperson Gallo, seconded by Councilperson Van Der Molen.

On a Voice Vote, the motion passed:

- 3 AYES: Bloomfield, Gallo, Van Der Molen
- 0 NAYS
- 2 ABSENT: Lyons, Newbold

In an email received after this meeting: At this time, no money will be exchanged, for there is an Order from the Court prohibiting the Town from doing so.

F. NEW BUSINESS:

- 1. DISCUSS UTILIZATION OF NYS ENVIRONMENTAL FACILITY CORPORATION TO FUND GRANTS AND LOANS FOR CAPITAL PROJECTS.**

Supervisor Bloomfield noted that when miscellaneous grants are offered to the Town, the monies are relatively low, time consuming and tedious to obtain, with no guarantee. This Corporation is known to give large grants to Towns.

2. **DISCUSS AND AUTHORIZE THE TOWN OF GOSHEN TO GO OUT TO BID FOR SANITARY SEWER REHABILITATION: CURED-IN PLACE PIPE SPOT REPAIRS IN THE HAMBLETONIAN PARK SEWER DISTRICT.**

Motion was made by Councilperson Gallo, seconded by Councilperson Van Der Molen.

On a Voice Vote, the motion passed:

- 3 AYES: Bloomfield, Gallo, Van Der Molen
- 0 NAYS
- 2 ABSENT: Lyons, Newbold

3. **REVIEW FIRTHCLIFFE TECHNOLOGIES, INC. ANNUAL SERVICE AGREEMENT WITH THE TOWN OF GOSHEN AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME. THE QUARTERLY SERVICE AGREEMENT PAYMENTS (\$2,800) REMAIN THE SAME.**

Motion was made by Councilperson Gallo, seconded by Councilperson Van Der Molen.

On a Voice Vote, the motion passed:

- 3 AYES: Bloomfield, Gallo, Van Der Molen
- 0 NAYS
- 2 ABSENT: Lyons, Newbold

4. **INFORMATION: NYS DEC HAS ISSUED A PERMIT TO EXTEND THE HERITAGE TRAIL (SEGMENT 2) EFFECTIVE 7/20/2018.**

Segment 2 extension is from Hartley Road, Town of Goshen, through the Town of Wawayanda, to East Main Street, City of Middletown. A multi-use trail of 10 foot wide asphalt will be installed on the abandoned rail-bed. No disturbance to the adjacent wetland is proposed.

5. **DISCUSS LETTER RECEIVED FROM THE GOSHEN FIRE DISTRICT.**

The Goshen Fire District has requested the following NYS law and fine be added to the Nuisance Law: *NYS Code 901.8 – Removal of or tampering with equipment along with a \$250.00 fine per incident.* The Goshen Fire District will issue tickets to each business responding to automatic alarms turned into false alarms if the alarm system is tampered with. A request will be made for more information.

G. FINANCE:

Councilperson Van Der Molen made the motion to authorize the Supervisor to pay Accounts Payable check run for 7/26/2018 in the amount of \$165,669.04. Councilperson Gallo seconded the motion.

On a Voice Vote, the motion passed:

- 3 AYES: Bloomfield, Gallo, Van Der Molen
- 0 NAYS
- 2 ABSENT: Lyons, Newbold

H. PRIVILEGE OF THE FLOOR

Sandra Rothenberger spoke of the irreversible damage (silt runoff) to the Otterkill Creek from the construction on the Legoland property. She cited other projects which she believes there is a pattern in Goshen of environmental destruction.

Leslie Schumacher wanted confirmation that a violation of silt runoff was issued by the DEC to Legoland. She also requested a status update of the nine parcels not purchased by Legoland such as security, liability, maintenance, aesthetics, etc. Attorney Golden responded.

Nick Gallo inquired if there are setbacks to the proposed emergency access road relative to the Town owned parcels. Attorney Golden responded no setback issues as to the Town parcels. Secondly, he wanted to know the status of a basketball court in Arcadia Hills. Councilperson Gallo responded we are waiting for the deeds to the parcels.

Debra Corr is concerned Legoland's plans to set-off fireworks on multiple occasions will affect the tranquility of neighborhoods, horses, dogs etc. She believes that it's not too late to stop Legoland to save our Town.

Joan Donato asked if the residents of Arcadia Hills were polled to see if they want a basketball court in the development. Councilperson Gallo responded that Park & Recreation is looking to provide recreation for Arcadia Hills residents.

Brad Barnhorst referenced item #4 under Old Business, have the residents in the area been polled to determine if the influx of new homes has impacted their water supply. Attorney Golden responded that a bond is posted in case there are complaints filed to investigate. Possibly in the future the code could include a bond to cover an impact survey of surrounding neighbors.

Paul William asked how was Merlin allowed to violate SEQRA, clear cut acres and who is accountable for the citing violations. Ans: the plans followed regulations which were approved by the Planning Board, Planning Board Consultants, and the DEC. The DEC did not object to any aspect of the plans in accordance with SEQRA

I. ADJOURNMENT:

Councilperson Van Der Molen made the motion to adjourn to enter into Attorney Client meeting with the intent not to return. Councilperson Gallo seconded the motion. Motion carried.

Time: 8:25PM

Priscilla Gersbeck, Town Clerk