

TOWN OF GOSHEN
TOWN BOARD MEETING
October 11, 2018
MINUTES

A meeting of the Town Board of the Town of Goshen was held on the 11th day of October, 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
Kenneth Newbold Councilmember
John Van Der Molen Councilmember

Absent: George Lyons 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 7:30pm, followed by the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

There will be an Attorney Client meeting at the end of the meeting.

C. PRIVILEGE OF THE FLOOR (agenda items only)

D. PUBLIC HEARING CONTINUED:

1. CONDUCT PUBLIC HEARING REGARDING PROPOSED INTRODUCTORY LOCAL LAW NO. 1 OF 2018; REPEAL OF MANDATORY AFFORDABLE HOUSING IN THE TOWN ZONING CODE.

Councilperson Van Der Molen made the motion to continue the public hearing on above said Introductory Local Law #1 of 2018. Councilperson Gallo seconded the motion.

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

Supervisor Bloomfield called for comments from the public.

Debra Corr is against rescinding the law. She opined that the jobs coming into the Town are mediocre, low income jobs. The people will need affordable homes to live in. As a Broker, it is nearly impossible to help someone find an affordable place to live in our Town. In her opinion the jobs offered by Amy's and Legoland will be low income jobs. To conclude, now that the Town has become a low income Town, we should allow for low income affordable housing.

Sandra Rothenberger requested for the Town to initiate a development to provide more senior housing. She suggested to repeal "affordable housing" and replace it with low income housing for 55 and older.

Marcus Valla (?) believes there is opportunity/areas for developers to come in and build low income housing. He doesn't agree with the requirement to put low income housing in a development where it would "stick out".

Edwin Garling voiced his approval of the amendment to the Local Law to eliminate the affordable housing provision. What we've had in last ten years isn't workable. He is not opposed to affordable housing. We have areas with affordable housing in the Town.

Susan Cleaver doesn't understand how we can change the law without changing the Comprehensive Plan first. She opinioned this change is exclusionary.

Attorney Naughton under review, stated this is not exclusionary and is not contrary to the Comprehensive Plan. There is no mandate that housing be affordable. What we have does not work for affordable housing. We are not acting contrary to the Comprehensive Plan.

Debra Corr believes the Comprehensive Plan is being totally ignored by the Town Board and the Planning Board – by everyone. In her opinion, Legoland is an amusement park. She showed a jar of muddy water taken from the Otterkill to prove what happens when the Comprehensive Plan is ignored.

Avi Hort praised the Board for working to protect and maintain a safe environment where families want to come, live and grow. He agrees with the Town to repeal the mandatory affordable housing as such, for what we have does not work.

Nick Gallo questioned why a representative from Merlin isn't present. He believes that the Town has an obligation to provide affordable housing for their (Merlin) future employees.

Councilperson Newbold prefers the verbiage "affordable housing" as opposed to the connotation of low income housing.

Councilperson Gallo made the motion to close the public hearing for Introductory Local Law #1 of 2018. Councilperson Van Der Molen seconded the motion.

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

Comments from the Board:

Supervisor Bloomfield stated that we will continue to work on affordable housing. To repeal what is not working and to include help from professionals in the business.

Councilperson Newbold noted that there has been a lot of time spent on this issue and we should continue to do so. The Board is in agreement.

Councilperson Gallo made the motion to adopt the resolution to enact the said Local Law (Local Law #3 of 2018). 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>ABSENT</u>		

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

E. OLD BUSINESS:

1. REVIEW AND APPROVE A RESOLUTION REGARDING PROVISION TO ESTABLISH PROCEDURE FOR BUILDING PERMIT AND ESCROW FEES, SITE INSPECTIONS, PLAN REVIEW AND SPECIALIZED INSPECTIONS.

Dennis Lindsay, P.E. of H2M architects & engineers addressed the Board. He presented a Fee & Escrow Schedule which lists the *Type of Fees, Administrative Fees and Inspection Fees*.

TOWN OF GOSHEN
Resolution

RESOLUTION ADOPTING AN AMENDMENT TO THE SCHEDULE OF BUILDING, PLANNING AND ZONING APPLICATION AND INSPECTION FEES

INTRODUCED BY: Councilperson Kenneth Newbold
SECONDED BY: Councilperson Melissa Gallo
DATED: October 11, 2018

WHEREAS, Section 85-2 of the Town Code authorizes the Town Board to publish and modify a Schedule of Fees for various reviews performed in connection with the Building, Planning and Zoning Application and Inspection fees provisions of the Town Code, and

WHEREAS, the Town Board desires to modify the present schedule of fees, listed under Section 85-1 of the Town Code, to include fees and escrow amounts due for applicants that are seeking the issuance of a permit(s); subdivision(s); site plan(s) or conditional use(s); or sign(s) or an inspection(s) in connection with approvals granted by the Planning Board, and applications to the Zoning Board of Appeals, or from the Building Department; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Goshen hereby adopts the attached "Fee & Escrow Schedule" as an amendment to Section 85-1 of the Town Code, effective immediately.

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

2. INFORMATION: PLAN TO REDUCE I & I IN ARCADIA HILLS WAS SENT TO NYDEC ON SEPTEMBER, 28TH FOR THEIR REVIEW AND COMMENTS.

As of this date, we have not heard from the DEC.

3. UPDATE BOARD ON IMPLEMENTATION OF A PLAN TO REDUCE I & I IN HAMBLETONIAN PARK.

Plans for Hambletonian Park sanitary sewer rehabilitation – 2018 Cured In-Place Spot Repairs was awarded to North American Pipeline Services, LLC from Freehold New Jersey. The Town Board authorized the bid proposal in the amount of \$64,995.10. H2M Engineers and the Town Attorney have reviewed the documents for contract signing.

4. UPDATE BOARD ON STATUS OF THE HAMBLETONIAN PARK WATER RATE ANALYSIS.

New residents from Heritage Estates requested one fee up to 12,000 gallons. Currently the fee is set for 5,000 gallons. Recently a team met to outline what is needed to complete an analysis. Our Budget Officer will work on a formula to update the water rate for Hambletonian Park to include Heritage Estates.

5. UPDATE BOARD ON STATUS OF PAVING THE TOWN HALL PARKING LOT.

Supervisor Bloomfield stated the paving of the parking lot is slated to begin on October 29th.

6. UPDATE BOARD ON STATUS OF INSTALLATION OF ADA APPROVED DOORS AT THE GOSHEN SENIOR CENTER.

[Senior Center ADA Improvements – Auto Entrance Doors in the amount of \$30,000.00 was signed by the County Executive, Honorable Steven Neuhaus. The project is included in the 2018 part of the U.S. Department of Housing and Urban Development (HUD) for Community Development Block Grant funds.]

We have prepared specifications and plans to be submitted to the County for approval.

7. UPDATE BOARD ON STATUS OF IMPROVEMENTS TO THE TOWN HALL.

Councilperson Newbold reported on improvements to the Town Hall windows. We are ready. However, he is having trouble locating a contractor.

Councilperson Newbold contacted the office of Senator Bonacic on the status of our submission for roof repairs. Unfortunately the State has lost the paper work. There is a mix-up between the cupola restoration and repairs to the roof. A meeting is planned with Senator Bonacic's office to straightened this out.

Reporting on the status of the salt storage shed construction at the Town Highway Dept. [Senator John Bonacic, awarded the Town of Goshen \$50,000 grant money towards the construction.] This is still in the planning stage.

8. DISCUSS RESOLUTION TO RELEASE UNDERTAKING IN CONNECTION WITH PHILLIPSBURG ROAD.

Supervisor Bloomfield stated that upon an inspection by the Town Highway Superintendent, it was determined that there was no visual damage to Phillipsburg Road as a result of Tetz vehicles traveling during the Midway Bridge repairs. Therefore, the bond is released.

TOWN OF GOSHEN

Resolution

CONSENT TO RELEASE UNDERTAKING OR BOND POSTED WITH THE ORANGE COUNTY CLERK IN CONNECTION WITH TETZ LITIGATION AND TRO ORDER CONCERNING POTENTIAL DAMAGE TO PHILLIPSBURG ROAD

INTRODUCED BY: Councilperson John Van Der Molen

SECONDED BY: Councilperson Melissa Gallo

DATED: October 11, 2018

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 11th day of October 2018, the following resolution was introduced:

WHEREAS, in connection with a lawsuit filed by Tetz Asphalt, LLC, et al. against the Town of Goshen et al., filed on or about April 14, 2016, the Court ordered that Tetz Asphalt, LLC post an undertaking or bond with the Orange County Clerk in the amount of \$140,000.00, the purpose of which was to provide a method of payment to the Town of Goshen, if necessary, for any potential damage to a portion of Phillipsburg Road caused by the use of overweight vehicles during the period of time that the Town of Wallkill's Midway Bridge was closed for repairs; and

WHEREAS, upon an inspection by the Town of Goshen Highway Superintendent it was determined that there was no visual or measurable damage to Phillipsburg Road as a result of its use by overweight vehicles during the period of time during the Midway Bridge repairs, rendering unnecessary the continuation of the undertaking or bond for the purposes intended,

NOW, THEREFORE, BE IT RESOLVED that the Town of Goshen Town Board hereby consents to the release of the \$140,000.00 undertaking or bond posted by Tetz Asphalt, LLC, or an affiliate thereof, in or about April 2016 with the Orange County Clerk for the purposes above stated, as there no longer remains a valid purpose for the continuation of said undertaking or bond.

Upon Roll Call Vote:

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

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

F. NEW BUSINESS:

- 1. INFORMATION: THE TOWN HAS RECEIVED COMMUNICATION FROM "SPECTRUM" THAT THERE WILL BE A PRICE INCREASE EFFECTIVE NOVEMBER 1, 2018. CUSTOMERS WERE NOTIFIED OF THE CHANGES IN THEIR OCTOBER 1, 2018 BILL.**

The broadcast surcharge increase from \$8.85 to \$9.95 – Digital receivers increase from \$6.99 to \$7.50 – Digital transport adaptor increase from \$4.99 to \$5.00 and Latino view increase from \$7.99 to \$8.99.

- 2. THE NYS AGRICULTURE AND MARKETS MADE AN UNANNOUNCED AUDIT OF THE GOSHEN HUMANE DOG CONTROL OPERATION ON 9/17/2018. A "SATISFACTORY" RATING WAS GIVEN BY THE ANIMAL HEALTH INSPECTOR.**

For information only.

- 3. DISCUSS RATE INCREASE FOR RETIREE HEALTH INSURANCE (7%) AND OPTION TO PURCHASE ADDITIONAL COVERAGE.**
 - ▶ OPTION 1 (\$15.82/mo.) FOR HEARING AND VISION SERVICES.**
 - ▶ OPTION 2 (\$2.26/mo.) FOR CHIROPRACTOR AND ACUPUNCTURE SERVICES.**

Supervisor Bloomfield stated some changes to the medical plan. There will be a rate increase of 7%. The Town uses The Hartford New York Change Group for our retiree medical & express scripts. In the new plan, the Medical premium is \$244.50-Rx \$267.00 for single premium for a total of \$511.50 per month. The addition of Package 1 and Package 2 would be \$18.08 per month for a total of \$529.58. We are currently paying for 10 retirees.

Councilperson Newbold made the motion to adopt both packages as stated above in the amount of \$18.08 per month. Councilperson Van Der Molen seconded the motion.

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

4. DISCUSS AND APPROVE A MOTION TO AUTHORIZE A LETTER ON BEHALF OF THE JRC IN SUPPORT OF GRANT FUNDING.

Supervisor Bloomfield received a request from Kate Schmidt regarding a grant she applied for on behalf of Goshen Parks and Recreation. The JRC was awarded \$3,475.00. Another 20% towards this project (Healthy Orange Action Plan) will come from the JRC.

Councilperson Gallo made the motion to support the acceptance of the awarded grant funds to the JRC. Councilperson Van Der Molen seconded the motion.

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

The Board thanked Kate Schmidt for doing a great job obtaining this grant.

G. FINANCE:

Councilperson Newbold made the motion to authorize the Supervisor to pay Accounts Payable check run for 10/11/2018 in the amount of \$87,835.07. Councilperson Gallo seconded the motion.

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

H. APPROVAL OF MINUTES:

Councilperson Van Der Molen made the motion to approve the regular meeting minutes of September 13, 2018. Councilperson Newbold seconded the motion.

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

Councilperson Van Der Molen made the motion to approve the work session minutes of September 24, 2018. Councilperson Newbold seconded the motion.

On a Voice Vote, the motion passed: 3 AYES Bloomfield, Newbold, Van Der Molen
0 NAYS
1 ABSTAIN Gallo
1 ABSENT Lyons

Councilperson Van Der Molen made the motion to approve the regular meeting minutes of September 27, 2018. Councilperson Gallo seconded the motion.

On a Voice Vote, the motion passed: 3 AYES Bloomfield, Gallo, Van Der Molen
0 NAYS
1 ABSTAIN Newbold
1 ABSENT Lyons

Councilperson Gallo thanked Broderick Knoell and the Highway Dept. for doing a great job repairing the second entrance to Myron Urbanski Park.

I. PRIVILEGE OF THE FLOOR

Topics discussed covered: fees for building permits, fees for commercial projects, employee insurance, painting lines on Knoell & Old Chester Rd., environmental issues pertaining to the pollution of the Otterkill Creek, five acre clear cutting rule, Legoland cited by the DEC multiple times, removal of a sewer line in Arcadia Hills on recently Town purchased property, retiree insurance, malfunction of an air relief valve on Wedgewood Dr., questioned how many people spoke in favor of the affordable housing law, opinioned down-side effects of approving said Law, and update on hotel tax.

J. ADJOURNMENT

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

Time: 8:40 PM.

Priscilla Gersbeck, Town Clerk