

**TOWN OF GOSHEN**  
**TOWN BOARD MEETING**

December 8, 2016

MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 8th day of December, 2016 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
	Sean Hoffman, PE	Consulting Engineer
	Priscilla Gersbeck	Town Clerk

**A. CALL TO ORDER**

The meeting was called to order by Supervisor Bloomfield at 7:31pm, 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:**

**Councilman Van Der Molen:** Because of the holiday festivities, the Senior Commission suspended this month's meeting until January. In communicating with the Police Chief, he noted that many of the personnel issues have been resolved.

**Councilman Newbold:** In speaking with the Highway Superintendent, nothing new to report. The water leak in Stone Hedge Development has been repaired.

**Councilwoman Gallo:** The Town has been awarded \$40,000 grant money to install handicap accessible doors. The JRC is hosting the Holiday House Decorating contest on Dec. 20<sup>th</sup>. To participate, contact the JRC.

**Councilman Lyons:** acknowledged a student attending the meeting as a requirement for his government class. Superintendent of Highway will submit a listing of new/old roads to be added in the NYS DOT inventory and a listing of major length changes to private public roads. At a meeting with our insurance carrier, it was pointed out that our premium for 2017 has increased. Presently the Police Dept., Highway Dept., and Town Hall offices are itemizing surplus equipment for auction in 2017.

**Supervisor Bloomfield:** Noted that our Building Inspector took members of the Chamber of Commerce to see several large successful businesses in the Town. For example: Minkus Farm, employs around 100 people and packs 60 million pounds of onions per year along with other produce. Some of the other locations are Mulrad's 40,000 sq. ft. building with plans to build two more of the same size, and Heritage Estates. The Chamber of Commerce will now be able to promote the Town as well as the Village. In his 11 years as Supervisor, he hasn't seen the Town as busy as it currently is.

**E. OLD BUSINESS:**

**1. DISCUSS AND APPROVE REDUCTION OF PERFORMANCE BOND FOR MEADOWS OF GOSHEN**

Sean Hoffman P.E. sent a letter referencing the reduction of the Performance Bond. With a list of items to be completed, Mr. Hoffman recommended that the Town retain \$125,160 to ensure compliance with the Code for a maintenance guarantee. At the previous meeting the three items outstanding were completed; Item (1) payment to the Orange County Commissioner of Finance in the amount of \$40,517.65 to cover taxes owed on three parcels-completed, (2) Quality report on water in one of the wells-completed, and (3) finish planting/landscaping of trees at the entrance to Howard Court-in progress. However, Council requested that the road be dedicated to the Town before any payment is issued. Additionally, in the escrow account the amount of \$5,000 is owed. At this time, it is suggested to return a portion of the bond.

Councilman Newbold made the motion to return a portion of the Performance Bond in the amount of \$268,240 to Mr. Makan. There was no second – opened for discussion.

Councilman Lyons was assured that the “as-built” have been received. There are minor issues with the dedication of the road to be resolved.. He also wanted assurance that there are no leans pending. With all said and done, he recommends a lesser amount than requested be returned to the applicant.

Attorney Golden would like to see the escrow deposited.

Councilwoman Gallo inquired if it is feasible to have all of the documents ready by the 19<sup>th</sup> meeting to dedicate the road. Answer: This is pending on the applicant.

Councilman Newbold asked about the legalities of returning monies in increments. Answer: there is no obligation to return the money until all of the work is completed. It is preferred to reduce the bond with conditions.

Mr. Makan debated the conditions associated with dedicating the road. The adjoining builder (Rolling Ridge) accesses his development through Howard Court. The earth moving equipment along with other large construction vehicles, is damaging the road curbs on a section of Howard Court. Mr. Makan doesn't want to be held liable for damages thus hindering the dedication process. Damages occurred is a matter for his attorney. After discussion it was determined to return \$168,400.00 to the applicant, Mr. Makan.

**TOWN OF GOSHEN  
RESOLUTION**

**RELEASING A PORTION OF THE CASH PERFORMANCE BOND BEING HELD BY THE TOWN OF GOSHEN IN CONNECTION WITH THE MEADOWS OF GOSHEN SUBDIVISION LOCATED ALONG MAPLE AVENUE AND GATE SCHOOLHOUSE ROAD**

INTRODUCED BY: Councilperson George Lyons  
SECONDED BY: Councilperson Kenny Newbold  
Dated: December 8, 2016

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 8th day of December, 2016, the following resolution was introduced:

WHEREAS, the Town of Goshen currently holds a cash performance bond in the amount of \$393,400.00 in connection with the Meadows of Goshen subdivision, located along Maple Avenue and Gate Schoolhouse Road; and

WHEREAS, the Town Board is in receipt of a letter dated November 21, 2016 from the Town Engineer advising that a portion of said monies being held by the Town could be released back to the developer, David Makan a/k/a The DM

Equities of New York, on the basis that various site work items had been completed, and a bond for such items was no longer necessary; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Goshen Town Board, pursuant to the recommendation of the Town Engineer, hereby releases to the developer, David Makan a/k/a The DM Equities of New York, a portion of the cash performance bond held by the Town of Goshen, the amount being released is \$168,400.00.

BE IT FURTHER RESOLVED, that the Town Board will retain \$225,000 of the cash performance bond at this time, with the intention that, provided David Makan delivers certain required documents, the roads within the Meadows of Goshen subdivision will be capable of being accepted for dedication at the December 19, 2016 Town Board meeting, and at that time the Town Board will determine if a further reduction of the performance bond is appropriate.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to take whatever steps necessary to accomplish the release of the aforementioned \$168,400 of the cash performance bond, and to retain \$225,000.

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

Resolution carried by a vote of 5 to 0.

**2. DISCUSS POSSIBLE ACTIONS FOR CLEAN-UP OF 143 OLD MINISINK TRAIL HOME THAT BURNED TO THE GROUND THREE YEARS AGO**

The delay in resolving this issue is that the owners of this parcel are deceased and the parcel is still in their name. Considering this has become a "attractive (public) nuisance", a representative of the estate is to be contacted. The debris will be checked for asbestos and/or other contaminates.

Supervisor Bloomfield made the motion to authorize the Town of Goshen Code Enforcement Officer to take any and all steps and incur such expense as necessary to clean up debris, and to bring said premises into compliance. Expenses incurred with the cleanup will be paid by the Town of Goshen, but that any actual expense so incurred and paid shall be charged to the property in the annual tax levy against the property. Councilwoman Gallo seconded the motion.

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

**3. DISCUSS IF THERE IS STILL A NEED FOR GOSHEN TOWN BOARD MEMBERS TO VISIT LEGOLAND FLORIDA**

Supervisor Bloomfield questioned those who expressed an interest to visit Legoland if they are still interested. *Councilman Van Der Molen* participated in a conference call with the Sheriff in Winterhaven, Florida. His questions were satisfactorily answered. With the amount of material he read, and with the reports from others who have visited Legoland, he feels that at this time it would be redundant, to visit Legoland, Fla. *Councilman Lyons* was advised to wait until the public hearings are over. The hearings will air all the concerns and at that time he will decide to go or not.

Councilwoman Gallo agreed with both Councilmen. The consultants/Neal did a good job of reporting on their site visit. She made several phone calls to Carlsbad, Ca. town officials to do her own research and feels that she has enough information without a personal visit. However, pending the public input there may be issues overlooked to merit a site visit.

**4. TOWN OF GOSHEN HAS BEEN ASKED BY THE VILLAGE TO ASSUME ADMINISTRATIVE RESPONSIBILITIES FOR JOINT RECREATION EFFECTIVE JANUARY 1, 2017. THERE ARE ISSUES FOR THE TOWN WHICH I HAVE DISCUSSED WITH MAYOR RODDEY AND WE HAVE REACHED AN AMICABLE AGREEMENT**

In a conversation with Mayor Roddey, Supervisor Bloomfield explained that in 2017 two key employees will be leaving. Barbara Sokolofsky, (Supervisor Assistant) will retire and Jennifer Hart (payroll/accts. payable clerk) will find full time employment in the teaching field. Also, Tom May, a full time employee in the highway dept. and a grounds keeper for park & recreation will have issues of payroll conflict. With the changes and training of new employees, this is not a good time to switch Joint Recreation back to the town. It was decided to offer the Village \$5,000 for 2017 to cover the administrative responsibilities for Joint Recreation. It will be our responsibility in 2018.

Councilwoman Gallo made the motion to offer the Village of Goshen \$5,000 for the calendar year of 2017 to retain the administrative duties of the Joint Recreation Commission until December 31, 2017. Councilman Van Der Molen seconded the motion.

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

**F. NEW BUSINESS:**

**1. SET PUBLIC HEARING DATE FOR THE 2017 TOWN OF GOSHEN REORGANIZATION MEETING**

Councilman Newbold made the motion to set the public hearing for the 2017 reorganization meeting to be held on Wednesday, January 4, 2017 at 7:00 p.m. at 41 Webster Avenue. Councilwoman Gallo seconded the motion.

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

**2. DISCUSS INCREASED WORK LOAD IN BUILDING AND ZONING OFFICE AND BEGIN DISCUSSION REGARDING POTENTIAL SOLUTIONS GOING FORWARD**

Neal Halloran, Building & Zoning, distributed a memo to the Board Members detailing the increased work load in his department. In 2010 & 2011, two of his part time employees moved to other employment. At this time the work load was at a minimum, so the loss did not affect the department's ability to accomplish the necessary. In summary, permits issued: 2005 ► 212 permits, 2010 ► 125 permits, 2011 ► 117 permits, 2013 ► 188 permits and in 2015 ► 235 permits. Mr. Halloran wrote "the total anticipated construction at Amy's/Science Of the Soul will be in excess of 500,000 square feet. It will take an inspector full time to coordinate all of the inspections and possibly office staff to assist." In addition, with limited help, some of the required fire inspections have not been done. Mr. Halloran is asking the Board to hire someone capable of replacing him as he plans on retiring within the next several years.

Discussion:

*Supervisor Bloomfield:* It is possible we will hire professional engineers to assist for large projects as Amy's. From a cost perspective, we can look at all aspects of the work load and budget accordingly for an assistant.

*Councilman Van Der Molen:* Looking ahead, eventually we will have to replace Neal. What is the extent of training involved for a replacement. This is a opportunity to hire a part-time person not only for training, but to assist with the work load. As noted, is it cost effective to hire professionals for certain projects.

*Councilman Newbold:* This may be a good time to talk with the Village for a merger of departments.

*Councilman Lyons:* agreed: point well taken to merge the Village & Town. On a short range plan, the fire inspections should be done quickly. We should hire an outside *certified* fire contractor to do the fire inspections. With the amount of work, we can look into hiring someone to assist in his department.

Councilwoman Gallo: Agreed to hire a certified fire contractor to complete the required inspections as soon as possible. She also believes in consolidation with the Village.

**3. DISCUSS INTRODUCTORY LOCAL LAWS 8 & 9 AND CORRESPONDING ENVIRONMENTAL ASSESSMENT FORMS (EAF'S) REGARDING MS4 STORM WATER MANAGEMENT. MORE SPECIFICALLY "ILLICIT DISCHARGES AND CONNECTIONS" (LOCAL LAW 8) AND "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL" (LOCAL LAW 9)**

Sean Hoffman, PE noted that in the 2010 census, the Town qualified for a MS4 storm sewer system. A number of requirements under the permit have been completed except for introducing & adopting Local Law No. 8 and Local Law No.9.

The purpose of Introductory Local Law No. 8 and Introductory Local Law No. 9 is to provide for the health, safety, and general welfare of the citizens of the Town through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) as required by Federal and State law. The Introduction of local law No. 8 and No. 9 establishes methods for controlling the introduction of pollutants into the Town's MS4 in order to comply with requirements of the State Pollutant Discharge Elimination System (SPEDES) General Permit for Municipal Separate Storm Sewer Systems and to meet the Town's objectives to protect the environment.

Councilman Newbold, with respect to **Introductory Local Law No. 8**, made the motion to type this as an Unlisted Action and for the Town Board to assume lead agency. Councilman Van Der Molen seconded the motion.

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

Councilman Lyons, with respect to **Introductory Local Law No. 9**, made the motion to type this as an Unlisted Action and for the Town Board to assume lead agency. Councilwoman Gallo seconded the motion.

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

The Board will review Parts 1, 2, and 3 of the full Environmental Assessment Form of Introductory Local Law No. 8 and Introductory Local Law No. 9 to determine a negative declaration for both laws.

**4. SET PUBLIC HEARING FOR INTRODUCTORY LOCAL LAW NO. 8 AND INTRODUCTORY LOCAL LAW NO. 9**

Councilman Newbold made the motion to hold a public hearing on January 9, 2017 at 7:30pm or soon thereafter at 41 Webster Ave. for Introductory Local Law No.8 and Introductory Local Law No. 9. Councilman Lyons seconded the motion.

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

**G. FINANCE:**

Councilwoman Gallo made the motion to authorize the Supervisor to pay Accounts Payable check run for December 8, 2016 amounting to \$1,125,461.34. Councilman Newbold 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:**

Summary of comments regarding LEGOLAND; There were no microphones at the last Planning Board meeting - please have someone set them up for the meetings, Is the cost benefit analysis being done – who is doing this, with nine items listed for the public hearing – how much time will be allotted for public comment and when will we find out, who will control the joint public hearing of the Planning Board and the Town Board, requesting that experts should be hired to review the process, feels that the tax payers are not being represented, the Planning Bd. gives the applicant more presentation time than the taxpayer, read the 2005 water study documents on the Legoland property, fast tracking the process, not considering the citizens during this holiday season, Legoland will respond to all comments in the FEIS which must be deemed adequate by the Planning Bd., process appears to be deliberate and calculated in favor of Legoland, the applicant determines the “rate of progress” of the application, should seek more experts to review Legoland documents, and if the law is changed for Legoland it will open the door for law suits.

**I. EXECUTIVE SESSION:**

With no items for the Executive Session, Councilman Newbold made the motion to adjourn the meeting. Councilman Lyons seconded the motion. Motion carried.

**J. ADJOURNMENT: 9:30pm**

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Priscilla Gersbeck, Town Clerk