

TOWN OF GOSHEN
TOWN BOARD SPECIAL MEETING

MAY 15, 2019
M I N U T E S

A special meeting of the Town Board of the Town of Goshen was held on the 15th day of May, 2019 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 Van Der Molen	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.

1. REVIEW AND APPROVE LEGOLAND DOCUMENTS AS PRESENTED.

Attorney Golden summarized the following documents.

- (1) Set of maps detailing Lots 11-1-49.23, 11-1-49.24 and 11-1-59.4
- (2) Bargain & Sale Deed // Offer of Dedication 11-1-49.24
- (3) Bargain & Sale Deed // Offer of Dedication 11-1-49.23
- (4) Bargain & Sale Deed // Offer of Dedication 15-1-59.4
- (5) Bargain & Sale Deed // Offer of Dedication 11-1-46.2 - Wells 1 & 2
- (6) Utility & Access Easement Wells & Pumphouse
- (7) Easement for Wellhead Protection
- (8) Conservation Easement

Supervisor Bloomfield called for comments from the Board:

Councilperson Lyons requested markers to be placed indicating the Conservation Easement. There was a lengthy discussion as to the types of markers, monuments, and location spacing.

Attorney Naughton pointed out that in the Conservation Easement under Section B. Restrictions/Prohibitions, Number 12- Markings, addressed this topic. *"The Grantor shall mark the limits of the Conservation Easement Areas by Signage approved by the Holder and the Corps of Engineers, so as to notify the public that the Conservation Easement Areas is an area preserved for conservation purposes"*.

Councilperson Lyons made the motion to:

- (1) receive and accept offers of dedication regarding (i) Legoland wells 1&2, and (ii) lands in fee surrounding 3 Town wells [Lots 59.4, 49.23, and 49.24]
- (2) agree to (i) well head protection easement area, (ii) utility easement access, and (iii) conservation easement, and
- (3) authorize Supervisor to sign all necessary documents to effectuate these land transactions.

Councilperson Gallo seconded the motion.

Discussion: Councilperson Newbold requested for the public to comment.

Supervisor Bloomfield called for comments from the public.

Debra Corr (CC4HV): She inquired as to why we are moving ahead to grant all of the presented documents while Legoland has been served a list of violations from the DEC. Questioned the metes and bounds of the Conservation Easement. Questioned if there are plans for expansion since only 153 acres of wetlands is addressed. Worried about the wellhead protection area colliding with the emergency access road. Why are we working on Legoland's time line? She would like more information before moving on. Response: There are metes & bounds for all of the documents. They were not attached, because maps were provided for review.

Chris Miele (CC4HV): Asked what activities are permitted in the wellhead protection area. Who and what types of vehicles will utilize the emergency access road. Ans: the easement for the wellhead protection area describes specifically what is not allowed there and everything else is allowed there. It tells you what it can't do. She asked that at what point will the Town take action if problems occur using the emergency access road.

Nick Gallo interjected; this conversation pertains to well #52. Part of the 200 ft. easement goes into the Otterkill territory. The emergency access road goes approximately 100 feet into it. He is concerned that that road will be salted and herbicides applied. Ans: in the winter time the road will be plowed. However, no salt or herbicides will be used. Nick is worried that vehicle usage could possibly release oil or gas into the ground contaminating the water he uses. His closing remark is "how is putting an emergency access road or any road within the protected area protecting our future?"

Debra Corr (CC4HV): the DEC has given violations to Legoland. She opinioned it is time the Town shuts them down until the pollution stops. The Otterkill going down the Otterkill Creek at the golf course has begun to show signs of pollution. She stated, "You are not protecting the people in Goshen, you're protecting Legoland".

Councilperson Newbold wanted clarification as to how close the access road is to the well. Ans: the road presently has always been in the same place. No changes are or will be made to the road. It is only there for an emergency. Currently there are no protections to that well area. Merlin was not obligated, but agreed to give extra land to the Town in the easement for additional wellhead protection. You will have more than what you have now.

Supervisor Bloomfield: the access road is not an alternate access. It will only be for emergency vehicles.

Sandra Rothenberger questioned with all of the rules and regulations Legoland has broken, how can we trust them to only use the access road for emergency vehicles. How many vehicles travel that road to monitor well #52? Ans: A pick-up truck travels that road every day to monitor well #52. The Legoland documents are available if you want to see what the Planning Board approved for the access road and well head protection.

Upon Roll Call Vote:

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

Vote: Vote: Resolution passed by a vote of 5 to 0

2. PRIVILEGE OF THE FLOOR (inaudible)

Nick Gallo Now that the documents are passed, if there is an emergency and the regular road is blocked what measures will take place to ensure that the wellhead is protected? He opinioned it is wrong to put in an access road by a well.

3. ADJOURNMENT: 8:45PM

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

Priscilla Gersbeck, Town Clerk