

TOWN OF GOSHEN
TOWN BOARD MEETING

May 24, 2018

MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 24th day of May, 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
	George Lyons	Councilmember
	Kenneth Newbold	Councilmember
	John VanDerMolen	Councilmember

Also Present:	Richard Golden, Esq.	Attorney for the Town
	Ashley Torre, Esq.	Attorney
	Sean Hoffman, PE	Town Engineer
	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)

Nick Gallo asked for an explanation of item #1 under Old Business. Ans: The license requires Legoland to clear and grade two parcels (Lots 68 and 69) making the parcels more accessible to the Town. The Town as owner of the two lots is requesting Legoland to clear, grade, landscape and maintain Lots 68 and 69, according to license specifications. As of this time, no setbacks have been established.

Christine Miele have other land-locked parcels owned by the Town ever been subject to the guidelines as stated in this license agreement? Ans: None, however there are pocket parks in other municipalities. The Town has full ownership rights of the two lots and can decide what to do with those lots.

Are there written guidelines as to the condition to be maintained? Ans: Provisions are in the license agreement, which must be approved by the Planning Board. There will be a public hearing on the amended site plan.

Debbie Corr asked Attorney Golden about his involvement in other entities influencing the Legoland project. Ans: His involvement with other entities had no connection to Legoland.

What is the value of 30± feet of soil expected to be removed from the two lots and who will address the condition of the Otterkill? Questions pertained to the site plan and are for the Planning Board.

Sandra Rothenberger: Who is accessible to the two lots? The Town or the residents? Ans: They will be accessible to the town. There is no easement for the public to access the parcels.

Ellen Guerrera: Will there be a fence around the lots? Ans: There is nothing in the license agreement requiring a fence. However, the clearing and grading has to be acceptable to the Town Engineer.

How will the public attending Legoland know this is Town property? The public has no right to the parcels.

The approved plans will make it clear that the parcels are town owned.

Debbie Corr: Have Lots 68 & 69 been excavated? She is asking for current photographs. Ans: The trees have not been cut down on any of the Town-owned lands. Doesn't know if current photos exist.

John Stein: Questioned why Lots 68 & 69 have to be graded, just leave them the way they are now. He wants the trees to be left alone.

Christine Miele: Requested a time line from when the license agreement is signed to the actual clearing and grading. Response: The license agreement gives Merlin the opportunity to clear & grade the two lots. However Merlin cannot clear & grade until an approved site plan is issued by the Planning Board. There is the possibility that there will be a public hearing on the amended site plan.

D. REPORTS:

Councilperson Van Der Molen reporting for the Senior Commission. The front sign has been repaired and placed back up. On May 9th forty people attended a bus trip to the Mohegan Sun Casino. A great time for all. Scheduled for July 27th the Girl Scout Troup 131 will host a Senior Summer Luau at the Center. Estimates are coming in for landscaping improvements and to power-wash the outside of the complex. A new couch and chair was donated to the library/computer room. In the main hall, damage was done to the speaker system. A new wireless PA-System has been ordered.

Councilperson Newbold is pleased with the progress of submitting all necessary paperwork for an Orange County Community Development Grant to install ADA doors in the front of the Town Hall. Secondly, he was informed by Assemblyman Skoufis that the grant for new Town Hall windows is at the State committee.

Councilperson Lyons reporting for the Highway Dept. that the bulk portion of Spring Cleanup was completed on 5/1/18. The brush portion was completed on 5/8/18. The invoice from the County for bulk deliveries in the month of April was for 137 tons of solid waste and 1.5 tons of tires for a cost of \$11,942.40. The brush included approximately 250 yards of material disposed of at Organic Recycling for a cost of about \$1,700. Exactly one week after completing brush cleanup, a violent storm front came through wreaking havoc in the area. A probable, but not confirmed, tornado touched down in Craigville Park area and continued into Hambletonian Park. Numerous trees downed on electrical wires closing six roads for several days. On another note, several roads were patched with hot mix asphalt including a crossover pipe installation on Celery Ave., a water main break area in Stone Hedge, and a berm rehabilitation on Fran Road. Two broken cast iron manhole covers were replaced and asphalted on Cherrywood and Birchwood Drives. Six catch basins were inspected and rehabilitated on Sunset Court. Several days of ditching work has been completed along Broadlea Road for upcoming paving. Spot ditching along Knoell Rd. was also completed and presently work is being done along Ridge Rd.

Councilperson Gallo reported on a May 8th JRC meeting. Reviewed a few park rental applications. Public input pertained to a Boy Scout project, Little League field improvements, and a proposal for Pickleball. [Pickleball is a fast growing sport that combines many elements of tennis, badminton and ping-pong. It is played with a paddle and a plastic ball with holes.] This is a possibility for Gangley Park or Erie Park. Due to the recent storm, the children's playground at Craigville/Myron Urbanski Park is still closed for safety reasons. The Building Inspector checked the pavilion and is now open even though repairs have to be made to the roof. A big thank you to all of the parents and volunteers who came out to help clean up the park and get the fields ready.

Supervisor Bloomfield met with representatives of Dutchess Quarry and three residents from Northgate. This is the second meeting to discuss noise and dust issues created by activities associated with daily operations. Tilcon has put in a truck wheel-washing machine. The work area has been paved for a sweeper to clean the area several times a day. The new measures should satisfactorily address the dust problem. The noise issue comes from the rock crusher. Noise abatement panels will be installed around the rock crusher to soften the noise. If not, the rock crusher might have to be relocated. On another subject, he is working with Village Mayor Roddey on shared services of the courts and building departments. If money can be secured from the State of New York to build a building in Salesian Park housing the Town at one end and the Village at the other end. As part of shared services, the County is improving the county-wide communication system. The County also wants to construct a truck washing station. Large amounts of money is spent washing trucks between snow plowing.

E. NEW BUSINESS:

1. DISCUSS AND APPROVE REQUEST BY THE TOWN OF GOSHEN BUDGET OFFICER TO PURCHASE A SIX MONTH CD FROM M & T BANK.

Budget Officer Christine Cavaliere is requesting permission to invest \$1.5 million in an M & T Bank 6-month CD at the rate of 1.75% - \$750,000 from A Fund and \$750,000 from B Fund. The funds would come from their checking accounts and from the NYCLASS Accounts.

Councilperson Newbold made the motion to approve the request by the Town Budget Officer to purchase a six month CD from M & T Bank. Councilperson Gallo seconded the motion.

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

2. DISCUSS AND APPROVE REQUEST BY THE TOWN OF GOSHEN BUDGET OFFICER TO MAKE YEAR-TO-DATE BUDGET TRANSFERS IN ALL FUNDS TO COVER EXPENDITURE ACCOUNTS THAT HAVE EXCEEDED THEIR BUDGETED AMOUNTS.

Budget Officer Christine Cavaliere is requesting to make year-to-date budget transfers in all funds to cover Expenditure Accounts that have exceeded their budgeted amounts. The transfers will be funded by Contingency Account budgets, from accounts with excess budget amounts available for transfer and from Fund Balance Accounts where necessary.

Councilperson Lyons made the motion to approve the request by the Town Budget Officer to make year-to-date budget transfers as stated above. 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

3. REVIEW AND APPROVE REQUEST BY THE GOSHEN ROTARY CLUB TO HOLD THE ANNUAL GREAT AMERICAN WEEKEND 5K/10K RUNS ON SATURDAY, JUNE 30, 2018.

The Goshen Rotary Club will be holding its annual 5K and 10K road race as part of the Great American Weekend activities on June 30, 2018. The race will begin in the Village and follow the traditional race course(s) onto Town roadways and returning to the Village.

Councilperson Newbold made the motion to approve the request by the Goshen Rotary Club to hold a 5K and 10K road race on June 30, 2018. Councilperson Gallo seconded the motion

Discussion: Councilperson Lyons requested for insurance coverage to be verified as the same coverage that was approved for the 2017 race.

Councilperson Lyons made the motion to approve the request by the Goshen Rotary Club to hold a 5K and 10K road race pending insurance verification. 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

4. REVIEW AND PASS A MOTION TO PROVIDE A CERTIFICATE OF APPOINTMENT FOR AN "HONORARY TOWN OF GOSHEN POLICEMAN". THIS REQUEST IS MADE BY THE HUDSON VALLEY MAKE A WISH FOUNDATION FOR A DISABLED CHILD WHO LIVES IN THE TOWN OF GOSHEN.

Councilperson Gallo made the motion for the Supervisor to sign the Certificate of Appointment for an "Honorary Town of Goshen Policeman" on June 6, 2018 as part of the Hudson Valley Make a Wish Foundation. 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

F. OLD BUSINESS:

1. DISCUSS AND POSSIBLE ACTION REGARDING RESOLUTION AND LICENSE AGREEMENT TO MERLIN ENTERTAINMENT AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME.

Attorney Golden noted the resolution basically recites some of the items in the License Agreement and authorizes the Supervisor to sign the License Agreement.

Attorney Golden read excerpts of the following from the License Agreement:

1. *"The Town hereby grants a revocable at will license to Merlin Entertainments, their agents, representatives, employees and contractors to enter upon Lots 68 and 69, as shown on Figure 1 annexed hereto, for the following limited purposes:*

- a. To clear and grade the parcels in a manner consistent with the surrounding topography, now or proposed hereafter in connection with the Project, so as to make the parcels readily accessible to and safe for the Town, as agreed to by the Town Engineer;*
- b. After the parcels are cleared and graded, to seed the parcels and provide landscaping, such as trees, bushes and other plantings, in accordance with a plan that must be approved by the Town Board;*
- c. To maintain the grass and landscaping in a clean, healthy and vibrant condition for so long as the Project exists.*

2. *Merlin Entertainments hereby agrees to clear, grade, landscape and maintain Lots 68 and 69 as above described.*

3. *The Town shall maintain absolute legal ownership, possession and control over Lots 68 and 69, and all associated rights attendant thereto. Merlin Entertainments shall have no property rights or property interests in Lots 68 and 69. No property rights or interests, whether temporary or permanent, are being transferred to Merlin Entertainments under this License.*

4. *In the event the Town determines that a safety risk exists with regards to any of the clearing, grading, landscaping or maintenance performed by Merlin Entertainments on Lots 68 and 69, the Town may remedy the problem itself or give Merlin Entertainments notice of the problem and request Merlin Entertainments to remedy it. Merlin Entertainments shall be responsible for paying the cost of remedying any such safety risks.*

5. *Merlin Entertainments shall indemnify and hold harmless the Town, its officers, agents and/or employees from any and all liability, claims and costs, including reasonable attorney's fees, arising out of or resulting from the activities undertaken on Lots 68 and 69 in connection with this License, including the activities of the agents, representatives, employees and contractors of Merlin Entertainments in clearing, grading, landscaping and/or maintaining of Lots 68 and 69.*

6. *Merlin Entertainments shall provide a Certificate of Insurance that names the Town of Goshen, its officers, agents and employees as an additional insured and shows a minimum per occurrence limit of One Million Dollars (\$1,000,000) in commercial general liability insurance and a policy endorsement which indemnifies and holds harmless the Town of Goshen, its officers, agents and/or employees from any and all liability, claims and costs, including reasonable attorney's fees, arising out of or resulting from the activities undertaken on Lots 68 and 69 in connection with this License.*

7. *Merlin Entertainments hereby agrees to donate two wells which exist on the parcel identified on the Town of Goshen Tax Map as Section 11, Block 1, Lot 58 ("Lot 58") together with sufficient areas and easements to meet current NYSDOH wellhead protection requirements, as shown on Figure 1 annexed hereto.*

8. *Merlin Entertainments hereby agrees to grant the Town permanent easements over Lot 58 to allow the Town to access and maintain the wells and utility service connections, as noted on Figure 1 annexed hereto.*

Councilperson Gallo made the motion to accept the License Agreement as presented. Councilperson Van Der Molen seconded the motion.

Discussion:

Councilperson Lyons requested to have "all" of the wells in compliance with the DOH to obtain 100 feet around the wells located on Lot 68 & Lot 69. He also inquired about the value of soil to be removed. Ans: No soil will be removed, actually soil might need to be brought in. Discussion continued referencing the map. Councilperson Newbold inquired how Arcadia Hills will get water in the future. Ans: See #7 & #8 in the License Agreement. Secondly, he attended a Planning Bd. meeting where about 14 changes were made to the Legoland property with no explanation to the public. He would like this information available to the public.

Attorney Golden reminded the Board that this License Agreement was compiled by Sean Hoffman, P.E. and himself looking out for the Town's interest. Merlin hasn't looked at the License Agreement. They might not agree with it at all, or agree with modifications.

Councilperson Lyons requested for the License Agreement/Resolution to be modified as per discussion with the Board.

TOWN OF GOSHEN
Resolution
APPROVING AND AUTHORIZING A LICENSE AGREEMENT WITH MERLIN ENTERTAINMENTS GROUP US
HOLDINGS, INC.

INTRODUCED BY: Councilperson Kenneth Newbold
SECONDED BY: Councilperson Melissa Gallo
Dated: May 24, 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 24th day of May, 2018, the following resolution was introduced:

WHEREAS, Merlin Entertainments Group US Holdings Inc. ("Merlin Entertainments"), 3201 Lionshead Avenue, Carlsbad, California 92010, has been granted conditional subdivision, special permit and site plan approval to construct a commercial recreation LEGOLAND theme park and resort (the "Project") on approximately 514.27-acres located off Harriman Drive in the Town of Goshen (the "Project Site"); and

WHEREAS, the Project Site included, among other things, grading and improvements on two Town-owned parcels, which are identified on the Town of Goshen Tax Map as Section 11, Block 1, Lots 68 and 69 ("Lots 68 and 69"); and

WHEREAS, Lots 68 and 69 have been eliminated from the Project Site, which requires Merlin Entertainments to amend the site design to relocate these improvements as well as to modify associated grading; and

WHEREAS, Merlin Entertainments submitted an Amended Site Plan, last revised May 17, 2018 ("Amended Site Plan"), to the Planning Board that proposed a number of retaining walls to effectuate the new grading design; and

WHEREAS, the Town Engineer has reviewed the Amended Site Plan and has opined that the proposed retaining walls will result in greater access restrictions, and thereby diminish the usefulness and value, for these two parcels, and recommends that Lots 68 and 69 be cleared and graded appropriately to the proposed adjacent revised grading modifications for the Project so as to maintain their accessibility and safety; and

WHEREAS, the Town desires to enter into a License Agreement with Merlin Entertainments whereby Merlin Entertainments would be responsible for clearing, grading and maintaining Lots 68 and 69, and Merlin Entertainments will also be required to (i) donate two wells existing on Tax Map Parcel 11-1-58 with sufficient areas and easements to meet current New York State Department of Health wellhead protection requirements, as noted in the License Agreement; and (ii) grant the Town easements to said wells to allow for access and utility service connections; and

WHEREAS, the Town has previously complied with all applicable requirements, and made all required determinations, under and pursuant to New York State Environmental Quality Review Act ("SEQRA") (6 NYCRR 617) and all other applicable laws, with respect to the clearing and grading of Lots 68 and 69, when such lots were part of the Project Site, including, but not limited to, the adoption of a SEQRA Findings Statement on September 11, 2017; and

WHEREAS, the clearing, grading and maintaining of Lots 68 and 69 in accordance with the License Agreement will not result in any significant adverse environmental impacts not addressed in the original Environmental Impact Statement and associated Findings Statement,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Goshen Town Board hereby:

1. Assumes SEQRA Lead Agency in connection with the granting of a license as noted above.
2. Determines that based upon the prior SEQRA review for the Project, including the SEQRA Findings adopted by the Town Board and the input and recommendation of the Town Engineer, that there are no significant adverse environmental impacts associated with the noted license agreement, and reaffirms the SEQRA Findings previously adopted for the Project in connection with this action, as the impacts for this action are within the scope of the impacts studied therein.
3. Approves the terms of the attached License Agreement as modified in accordance with the discussions of the Board and authorizes the Supervisor of the Town of Goshen to sign the same on behalf of the Town of Goshen.

Supervisor called for Board comments on their voting preference.
Supervisor Bloomfield will vote yes citing safety conformity and well availability.
Councilperson Gallo will vote yes supporting our Town Engineer's recommendations.
Councilperson Van Der Molen opinioned a "win-win situation for the Town" with improvements to the Lots and well availability.
Councilperson Lyons will vote yes as previously stated.

Upon Roll Call Vote:

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

Resolution carried by a vote of 5 to 0.

2. INFORMATION: COMMUNITY SOLAR INFORMED THE BUILDING OFFICE OF THEIR INTENT TO BUILD A SOLAR FARM ON THE MAKUEN PROPERTY, 2461 ROUTE 17A. THE PROJECT NAME IS SOUTH GOSHEN SOLAR, LLC.

As stated for information only.

3. INFORMATION: JOHN MCCAREY, DIRECTOR OF ORANGE COUNTY REAL PROPERTY TAX OFFICE, LOWERED THE PROPOSED PURCHASE PRICE FOR SIXTEEN (16) BUILDING LOTS IN ARCADIA HILLS TO \$20,500.00.

As stated for information only.

G. APPROVAL OF MINUTES:

Councilperson Van Der Molen made the motion to approve minutes of work session on April 23, 2018, and minutes of regular meetings on April 12, 2018 and April 26, 2018. Councilperson 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 (in summary)

Several people questioned issues pertaining to proposed modifications of the Legoland site that will be addressed in detail at the Planning Board, as well as for plans for the Town owned parcels in the future. Questions arose about video streaming and meeting documents online. Questioned properties owned by Legoland as listed on the Orange County tax map.

On another topic, referencing summer camps/activities at Craigville Park, a proposal was made to strategically place police barricades in the vicinity of the pavilion for the safety of the children. A suggestion was made for those who are handicapped to be allowed to easily access Craigville Park and the facilities without interfering with the summer children's activities. This will be addressed at the next Park & Recreation meeting.

An update on Amy's Kitchen. Ans: This year work will be done preparing the water & sewer main to Middletown, installing signal and turning lanes on Route 17M and to complete the bridge across the Wallkill River connecting to Science of the Soul.

Inquiry was made if the agreement, established by the Orange County Industrial Development Agency, for Amy's (\$26,274) and Legoland (\$46,968) will be given to the school district for 2018-2019. Ans: Yes, documents are signed.

Councilperson Newbold acknowledged the passing of Patricia O'Dwyer who was politically active in the County. Councilperson Lyons acknowledged the passing of Lisa Scheuermann who was a volunteer for 35 years in the Goshen Ambulance Corps. and associate member in the Cataract Engine and Hose Company.

I. ADJOURNMENT:

Councilperson Van Der Molen made the motion to adjourn the meeting. Councilperson Gallo seconded the motion. Motion carried.

Time: 9:35PM

Priscilla Gersbeck, Town Clerk