

TOWN OF GOSHEN
TOWN BOARD MEETING
SEPTEMBER 11, 2017
MINUTES

A Meeting of the Town Board of the Town of Goshen was held on the 11th day of September, 2017 at the Orange County Emergency Services Center located at 22 Wells Farm Road, Town 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	Planning Board Consultant
	Priscilla Gersbeck	Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:33pm, followed by the Pledge of Allegiance. A moment of silence was observed for the loss of so many lives 16 years ago when the World Trade Center was attacked, and for those in Florida, the Keys, Texas and Louisiana who were devastated by the recent storms and for a member of our Board who recently lost a young relative.

[The verbatim transcription taken by Sadie Herbert from Ellen Grauer, Court Reporting Co. LLC, will be attached.]

1. DISCUSS AND APPROVE RESOLUTION TO ADOPT THE TOWN BOARD SEQRA FINDINGS STATEMENT FOR THE LEGOLAND PROJECT.

Attorney Golden reviewed the following resolution.

TOWN OF GOSHEN
Resolution

RESOLUTION ADOPTING FINDINGS STATEMENT IN CONNECTION WITH LEGOLAND NEW YORK PROJECT, INTRODUCTORY LOCAL LAW NOS. 5 AND 6 OF 2016, THE TOWN COMPREHENSIVE PLAN, AND THE SALE OF TOWN PROPERTIES TO MERLIN ENTERTAINMENTS

INTRODUCED BY: Councilperson Melissa Gallo

SECONDED BY: Councilperson John Van Der Molen

DATED: September 11, 2017

WHEREAS, Merlin Entertainments Group US Holdings, Inc. ("Merlin Entertainments") submitted an application for site plan, subdivision and special permit approval for a commercial recreational children's theme park on approximately 150 acres of a 521.95 acre site consisting of 15 total parcels located off Harriman Drive, as well as an application for a clearing and grading permit, known as LEGOLAND New York (the "Project", "Proposed Project", "Proposed Action" or "LEGOLAND New York"), to the Town of Goshen Planning Board on June 3, 2016; and

WHEREAS, in connection with the State Environmental Quality Review Act ("SEQRA") a combined public hearing on the Draft Environmental Impact Statement ("DEIS") as well as the site plan, subdivision, special permit, clearing and grading permit, Comprehensive Plan amendments, the sale of certain town parcels to the Project Sponsor, and Introductory Local Laws Nos. 5 and No. 6 was held on December 15, 2016. The public hearing was held open for a subsequent night on December 19, 2016, and written comments were accepted until January 17, 2017; and

WHEREAS, the Planning Board issued a Findings Statement, completing the SEQRA process, which was circulated to all Involved and Interested agencies, made available for public inspection at the offices of the Town Building Department and the local library, and posted on the Town of Goshen website; and

WHEREAS, the Town Board is required under SEQRA to issue its own Findings Statement as an Involved Agency of this Project.

NOW, THEREFORE, BE IT RESOLVED that the Town of Goshen Town Board has reviewed the Findings Statement adopted by the Planning Board thoroughly, and hereby adopts the attached as the Town Board's SEQRA Findings Statement in accordance with 6 N.Y.C.R.R. § 617.11.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield AYE
Councilperson, Melissa Gallo AYE
Councilperson, George Lyons AYE

Councilperson, John Van Der Molen AYE
Councilperson, Kenneth Newbold NAY

Vote: Resolution carried by a vote of 4 to 1.

2. REVIEW AND DISCUSS TOWN OF GOSHEN COST/BENEFIT ANALYSIS REPORT PREPARED BY ERNST & YOUNG AS IT RELATES TO THE PROPOSED LEGOLAND PROJECT.

Supervisor Bloomfield highlighted sections of the Revenue/Expenditure Analysis. The police chiefs of both Winter Haven and Carlsbad opinioned that the demographics of the population attracted by the Legoland theme park "did not place an excess demand on police services and that most issues could be handled by park security". Secondly: the State of New York DOT is going to build and maintain Harriman Drive, plowing both the flyover, the roundabout and they are going to plow back across South Street bridge. At this time there is no evidence for additional Town spending on highway maintenance and improvements. Pertaining to the building department costs: construction for building the site is going to be \$100,088 each for the first two years paid by Legoland. Expenses for operating inspections would be around \$10,009 per year. This includes annual maintenance of the facility and safety on the rides. The expense could also be shared with either County or State inspectors. This will be looked into. To conclude, the section on revenues which includes the host agreement, sales tax [ticket./food/merchandise], pilot and property tax states a high estimate of \$74,685,712 for 30 years or a low estimate of \$39,537,197 for 30 years. By comparing revenues with expenses, *over 30 years*, the total cost of services would be around \$5,760,220 and the total revenue would be around \$74,685,000. The difference will be around \$68,925,492. Therefore, Legoland will not cost taxpayers any money, delivering almost \$69 million.

Councilperson Lyons stated reasons why he believes the cost-benefit analysis is much better than what Ernst & Young gave.

Councilperson Newbold expressed his concerns that if the applicant goes bankrupt/fails, who is going to pay for disassembling the site. He cited examples of large businesses that have been vacant or on the verge of going out of business.

3. H2M SEAN HOFFMAN PRESENTATION TO TOWN BOARD REGARDING TOWN-OWNED PARCELS AT THE LEGOLAND PROJECT SITE CONTEMPLATED TO BE SOLD TO MERLIN ENTERTAINMENTS, AND FOLLOW UP DISCUSSION.

Sean Hoffman, PE reported on the conveyance of real property. He explained in detail two survey maps one of the northerly portion and the other of the southerly portion and what plans the applicant has for the parcels. The project site totals 521.95 acres. Merlin Entertainments is proposing to subdivide and purchase portions of some of the nine parcels and all of other parcels, totaling 15.670 acres. A great deal of discussion centered on the parcels containing wells: Lot 11-1-60, Lot 11-1-62, Lot 11-1-65 and Lot 11-1-67. Merlin Entertainments is not requesting to purchase any portion of any Town-owned parcels containing water supply improvements. Instead the proposal is to subdivide these parcels so the Town will retain ownership of the water supply improvements with the offer to provide the Town access and utility easements. In the Host Community Benefit Agreement, Merlin Entertainments will donate two existing wells. Donation well #1 was tested in 1997 indicating a capacity of 15 gallons per minute. Donation well #2 was also tested in 1997

Indicating a capacity of 65 gallons per minute. This well was also retested in 1999 during a drought yielding 46 gallons per minute. After a lengthy discussion, it was agreed that those wells have the potential to be utilized for water.

4. REVIEW AND DISCUSS APPRAISALS OF TOWN OWNED PARCELS AT THE LEGOLAND PROJECT SITE. THE APPRAISALS WERE PREPARED BY CERTIFIED APPRAISAL SERVICES.

According to the appraisal document "The adjusted sales comparables for the subject property range from \$2,400 to \$5,250 when analyzed on a per acre basis. It is the Appraiser's opinion that the market value of the encumbered fee simple interest in the subject property in its "as is" condition, as of August 25, 2017 falls within the mid-range of the comparables at say \$3,500 per acre". [Copy of the "Complete Appraisal of Real Property" is available in the Town Clerk's office during business hours.]

Supervisor Bloomfield summarized the appraisals as the established price per acre is \$3,500 and if the Town sold the wells, excluding the area around the well, the value would be \$54,800. The land around the wells is for protection to meet the New York State Department of Health regulations.

Councilperson Lyons questioned the term "fee simple" Attorney Golden explained the term means owning all of it, and then depending upon the circumstances, there may be some easements that don't quite measure up to all of it, but it's still considered to be in fee simple. Basically you own the property subject to easements.

5. DISCUSS PROPOSED DEVELOPER AGREEMENT BETWEEN THE TOWN AND MERLIN ENTERTAINMENTS FOR THE LEGOLAND PROJECT.

Within the proposed Developer Agreement, Merlin Entertainments has agreed to replace the Arcadia Hills Force Main with a new force main at their cost, solely for the benefit of the Town and the residents of Arcadia Hills. A map (Exhibit C) shows the location and extent of the replacement which is approximately 6,991 linear feet.

Supervisor Bloomfield pointed out three other obligations within this agreement: donate two wells with \$60,000 to rehab both of them, giving the Town wellhead protection land to meet the NYS DOH standards and they will seal off unused pipes and manholes in the undeveloped land.

Attorney Golden noted that for large projects, a provision for setting up an escrow to go ahead and pay for third parties to assist with the inspections to be done, in a timely manner, is usually in a developer's agreement. The applicant usually agrees to this. The agreement will be amended to include this provision.

6. DISCUSS AND APPROVE REQUEST BY DANIEL T. CONNOR, SUPERINTENDENT OF GOSHEN CENTRAL SCHOOL DISTRICT, TO INSTALL A STOP SIGN ON PHILLIPSBURG ROAD AT THE INTERSECTION OF PHILLIPSBURG AND OWENS ROADS. SEE ATTACHED LETTER REGARDING THE REQUEST.

Daniel T. Connor, Superintendent of Schools, has requested the Town to reconsider changing a yield sign at the intersection of Phillipsburg Road and Owens Road to a stop sign. He referenced an accident at that location involving a small school bus. No one was hurt, but the school bus was a total loss. With proper signage, drivers in both directions will assess turning conditions.

Town Police Chief, James McDowell, opinioned the yield sign is adequate for that location. This will be noted in a letter to Mr. Connor.

APPROVAL OF MINUTES:

Councilperson Newbold made the motion to approve the work session minutes of August 21st and regular meeting minutes of August 10th and August 24, 2017. Councilperson Lyons seconded the motion.

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

I. EXECUTIVE SESSION:

With no items for the Executive Session, Councilperson Van Der Molen made the motion to adjourn the meeting. Councilperson Gallo seconded the motion. Motion carried.

J. ADJOURNMENT: 8:33 PM

Priscilla Gersbeck, Town Clerk