

**GOSHEN
TOWN BOARD MEETING**

February 11, 2021

MINUTES

A meeting of the Town Board of the Town of Goshen was held on the 11th day of February, 2021 at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York via videoconference due to the recent Covid-19 pandemic.

Present:	Douglas Bloomfield	Supervisor
	Philip Canterino	Councilmember
	George Lyons	Councilmember
	Kenneth Newbold	Councilmember

Absent	Richard Florio	Councilmember
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Also Present:	Richard Golden, Esq.	Attorney for the Town
	Robert Rametta, Esq.	Attorney for Tax Certiorari
	Robert Dickover, Esq.	Attorney for VER Realty LTD
	Sean Hoffman, P.E.	Town Engineer
	Steven Esposito	Landscape Consultant for VER Realty LTD
	Priscilla Gersbeck	Town Clerk
	Mary Riso	Clerk to the Supervisor

CALL TO ORDER

Councilperson Canterino motioned to open the meeting at 7:30pm and was seconded by Councilperson Newbold. Motion carried.

NEW BUSINESS:

- 1. Discuss VER Realty LTD application for a zone change for the Pascual property at 3302 Route 207 and establish an escrow fund with a replenishing requirement (see attached email, dated 2/3/2021, from Rick Golden, Esq. to Rob Dickover, Esq.)**

Attorney Dickover summarized the request for a zone change. There are questions regarding the number of uses proposed for the mansion. It appears that the ZBA will give a decision on the number of uses adverse to the project. The application is to change the text of the Zoning Code to allow for a Wellness Center in the RU Zone District and to allow for a number of uses permitted.

This property consists of 141.9 acres located at 3302 Route 207, commonly known as the "Mansion" owned by the Pascual family (VER Realty LTD.). Besides the mansion, the premises consists of the "doll house", a utility shed, a gas transmission utility service building and vacant land.

Steve Esposito explained the renovation and preservation of the mansion to convert it into a Wellness Center. The Wellness Center will "offer health services for the body and mind through educational programs and recreational activities. It can also offer accessory structures for spa services, restaurant, overnight lodging, indoor and outdoor educational and recreational activity areas, including gardens, swimming pool, covered outdoor pavilions and hiking trail".

The mansion has mostly been used in the past 30+ years for commercial use. He compared this application to other similar businesses in the area. Plans are for a high-end, self-sufficient facility that will offer a multitude of services associated with the wellness of body and mind. This facility will attract local and non-local tourism, preserve, and reuse historical structures, protect environmentally sensitive areas and support economic development within the Town.

Supervisor called for questions from the Board.

Councilperson Canterino asked if additional buildings are planned. Mr. Esposito said there would be cabins, possibly 3, for sleeping purposes. The existing barn will come down. This will allow for another structure.

A pavilion is planned for outdoor classrooms or activities. The total units consist of 12 new units. The "dollhouse" will be renovated into a one bedroom cabin.

Supervisor Bloomfield asked what issues are before the Zoning Board of Appeals. Mr. Esposito said the ZBA gave an interpretation of the plans determining that their plans didn't fit Goshen's Zoning on that property. According to the "Use Variance", only six businesses are allowed on the premises. Currently they have amended their application from an interpretation to an appeal before the ZBA. They are asking the Town Board to amend the RU Zone to allow a Wellness Center.

Councilperson Newbold asked what the concerns are from the ZBA in giving a negative response. Mr. Esposito responded that the ZBA is defining the word "premises" as allowing six businesses within the structure ONLY. Therefore, they couldn't build the accessory buildings. Anyone looking at this property could not use the land for their use.

Attorney Golden explained that the ZBA isn't opposed to the project. The problem is with the *interpretation of the language* in the variance. Is it six businesses within the structure only or six businesses throughout the property?

Mr. Esposito commented they are concerned that if they receive a negative interpretation, it might render a negative economic impact to the property and the structure. If they resubmitted for a Use Variance it would be hard for them to show economic hardship.

Councilperson Canterino inquired about issues with the sewer. Mr. Esposito said there would be one central septic system which would be regulated by the DEC standards and the Orange County Health Dept.

Councilperson Lyons asked about the water supply. Mr. Esposito answered that they did an exploratory well, which will be reviewed by the Orange County Health Dept. The Planning Board will be reviewing all site plans for septic and water service.

Councilperson Lyons stated: "I kind of get the feeling like this is an end run around the Planning Board and around the ZBA, and let's take a shot at the Town Board to see if we can be successful there" .

Attorney Golden responded it is not an end run. This Board has from time-to-time allowed changes in use in a particular zone.

Continued discussion covered open space, separate tax parcels/subdivision, possibly an overlay zone, SEQRA and the stages of the Zone changes that could impact the Town.

Supervisor Bloomfield called for final comments to accept the zone change application with a simple SEQRA.

Supervisor Bloomfield stated that "the application is one thing". He is worried about the 12 buildings etc. What confidence does the Planning Board have if this can work. He feels ill-at-ease with the project.

Councilperson Canterino: Being not familiar with the project, he wants to get more information. Wants to find out if this is a feasible project before we change the zoning. Undecided.

Councilperson Lyons: He is undecided and needs more information from our Attorney and our Engineer. He wants to make an intelligent decision for the Town as well as the applicant.

Councilperson Newbold: We went through this in 2018. What will happen if the project doesn't succeed? What will happen to the outbuildings if the business doesn't succeed? Undecided.

To conclude: We need more information from our consultants. The Supervisor recommends the applicant and Board members speak with the attorneys and consultants to answer questions.

If the Board gets information from our consultants, an escrow will need to be in place. The applicant will get back to us.

2. Appoint David Tompkins, Principal Environmental Scientist of CHA Consulting, as the Environmental Consultant for the Planning Board effective immediately and authorize the Supervisor to sign the contract. (See attached letter from Ms. Naughton, Esq, dated February 9, 2021 and proposed contract).

Councilperson Newbold made the motion to appoint David Tompkins, Principal Environmental Scientist of CHA Consulting as the Environmental Consultant for the Town of Goshen Planning Board at a \$195.00 hourly rate of pay effective immediately and authorize the Supervisor to sign the necessary papers. Councilperson Lyons seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

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

3. Information: Received a "Loyalty Award" check of \$2,382.00 from Comp. Alliance for improved performance (see attached letter dated 2/8/2021 from Marshall & Sterling, Inc.). As stated, for information only.

OLD BUSINESS:

1. Discuss proposed tax certiorari settlement by Robert Rametta, Esq. for Martin Crawford v. Town of Goshen, 43 Avalon Drive, tax year 2018 (see attached email, dated 2/4/2021, from Rob for details).

**TOWN OF GOSHEN
RESOLUTION
Settling of Tax Certiorari Claim;
MARTIN CRAWFORD v. TOWN OF GOSHEN, ET AL
Section 10 Block 1 Lot 90**

INTRODUCED BY: Councilperson Philip Canterino
SECONDED BY: Councilperson Kenneth Newbold
DATED: February 11, 2021

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 February, 2021;

WHEREAS, claimant, MARTIN CRAWFORD, having commenced this tax certiorari proceeding against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for the assessment years of 2018 bearing Orange County Index Number EF007856-2018; and

WHEREAS, it appears from the recommendations of Alan W. Eskew, the Town Assessor, and Robert M. Rametta, Esq., Counsel for the Town of Goshen, in the aforesaid proceeding, and upon a thorough investigation of the claims, that any further proceedings and litigation by the Town would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the above matters, as more fully set forth below, is reasonable and in the best interests of the Town; and

WHEREAS, claimant, MARTIN CRAWFORD, is willing to settle these proceedings without interest, costs or disbursements, in the following manner: As set forth in annexed Consent Judgment;

NOW, BE IT THEREFORE RESOLVED, that the proposed settlement as set forth and described above and as set forth in the annexed Consent Judgment is hereby accepted pursuant to Section 68 of the Town Law and it is further;

RESOLVED, that the Alan W. Eskew, the Town Assessor, and Robert M. Rametta, Esq., Special Counsel to the Town of Goshen; and Douglas Bloomfield, Supervisor of the Town of Goshen be and are hereby authorized to take any and all steps and sign any and all documents necessary to effectuate the terms of this resolution;

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, Philip Canterino	<u>AYE</u>
Councilperson, Kenneth Newbold	<u>AYE</u>	Councilperson, Richard Florio	<u>ABSENT</u>
Councilperson, George Lyons	<u>AYE</u>		

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

2. Review and accept the recommended bid by H2M engineering for construction of the Arcadia Hills Water Storage Tank.

This includes replacement of the Arcadia Hills Water District Water Storage Tank. A total of three (3) bids were received.

Sean Hoffman, P.E. stated the apparent low bidder, Statewide, has the capability to perform the work, and if Attorney Golden advises the bid document are legally sufficient and funds are available, the award may be made to Statewide Aquastore, Inc. The bids are as follows: Statewide Aquastore, Inc. total bid \$610,260.00 / TAM Enterprises, Inc. total bid \$805,366.00 and T.M. Brennan Service, Inc. total bid \$812,000.00.

Councilperson Canterino made the motion to accept the low bid as recommended by H2M for the Arcadia Hills Water District Water Storage Tank from Statewide Aquastore, Inc. in the amount of \$610,260.00 and authorize the Supervisor to sign necessary papers. Councilperson Lyons seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

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

3. Review the final Hambletonian Park fecal/coliform ground water study conclusions and approve the recommendation for dye testing the force main (see attached email from Bill Canavan for details).

This has been tabled for the next meeting.

4. Review and approve a license agreement with 14 Arthur Place, Inc. for use of Bridle Path in Hambletonian Park for heavy vehicles during clearing/grading and construction of Section F (see attached agreement from Rick Golden, Esq.).

Attorney Golden noted this agreement details locating underground utilities, water and sewer pipes before heavy construction vehicles can traverse without endangering the stability and integrity of what lies underneath. A gate will be installed at each end. Also proof of insurance of commercial general liability and automobile insurance is required.

Sean Hoffman, P.E. noted he will have to wait until the snow/ice is melted to locate the underground pipes. A metal detector along with utility maps will be used to locate underground pipes. Discussion covered how the site will be cleared (mechanical clearing or hand-cut) before the end of March. A Clearing Permit is currently before the Planning Board.

Councilperson Newbold suggested to check if a main gas line is under the Bridle Path. He met with some of the residents who questioned gated security and once cleared how long will it be before new homes are built. The concern is about flooding from soil erosion / cleared trees. Answer: there will be requirements to mitigate flooding.

5. Review final report regarding lining of Hambletonian Park and Arcadia Hills sewer lines (see attached report from Sean Hoffman).

At this time, the report is unavailable. It should be ready at the next meeting.

6. Discuss request by Legoland New York for Town of Goshen police service (see attached letter dated 2/1/2021 from Andrew Roe, Public safety manager, Legoland).

A letter was sent to the Town of Goshen Police Chief J. McDowell from Andrew Roe, Public Safety Manager of Legoland New York. The letter outlined duties and responsibilities requested to be carried out by the Town Police Officer assigned to Legoland. Attorney Golden drew up a resolution for the Police Chief to determine what the proper level of a police presence is needed. The Town Police Chief shall periodically notify Legoland NY of the cost and advise Legoland NY that the Town is willing to accept a contribution from Legoland NY for all or a portion of said cost. Supervisor Bloomfield called for comments from the Board.

Summation:

Discussion ensued, with Councilperson Newbold and Councilperson Canterino objecting to the request for policing the venue and a separate resolution.

Councilperson Newbold stated for the record: "this multibillion-dollar company should be paying for all expenses" regarding police protection and "by giving Legoland one officer, it will open the floodgates up for Legoland to request another". For the record: "This whole Town of Goshen has at least two patrolmen patrolling to keep us safe. Legoland will have their own private Police Officer. To me, that is unacceptable. If you want to do anything, go to the Sheriff's Department. The County brought this in, the County should absorb it".

Councilperson Canterino stated "we cannot enter into any agreement with Legoland to rent them a police officer...that's not the business we're in and not a profit center".

Supervisor Bloomfield stated "the Chief is responsible for the safety and welfare of our community. The Chief will decide whatever he thinks to keep our community safe".

The discussion ended.

7. Information: Town of Goshen Police Reform & Reinvention Collaborative action committee schedule (see attached).

February 19th the committee will review a draft plan. The plan will be available to the public for comments on February 22nd. Public comment will be accepted through March 5th. On March 1st at 7pm a public comment listening session will open for public comments. March 10th the committee will review all comments and on March 25th to be voted on by the Town Board.

8. Review and approve minutes of the 1/14/2021 virtual Town Board meeting.

Councilperson Lyons made the motion to accept the virtual Town Board minutes of 1/14/2021 as presented. Councilperson Canterino seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

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

9. Review and approve minutes of the 1/28/2021 virtual Town Board meeting.

Councilperson Newbold made the motion to accept the virtual Town Board minutes of 1/28/2021 as presented. Councilperson Lyons seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

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

10. Councilperson Canterino Update to the Town Board on status of the Salesian Building.

He spoke with Village Mayor Nuzzolese asking for comments from the Village Board. Once again, Mayor Nuzzolese mentioned the Village doesn't have this project budgeted for. Councilperson Canterino stated the Town will do the work to get a Bond for financing. We can work out a payment plan with the Village. Bill Troy, President of the Library Board, said they had written to the Village without any response. The Library Board and the Joint Recreation Commission are in agreement to bring down the building. Meeting with the Village-to be determined.

11. Review and approve a request from Broderick Knoell, Highway Superintendent, to purchase a used CF7000/Johnston VT650 sweeper truck from Showalter's Equipment (see details in attached letter dated December 8, 2020).

The results of the bid were:	Price of Truck	\$115,000
	Trade in for 1996 Ford/Johnston 605	\$ 25,000
	Net Cost	\$ 90,000

Councilperson Newbold made the motion to authorize the Highway Superintendent to purchase the truck as stated in the amount of \$90,000. Councilperson Canterino seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

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

FINANCE:

1. **Councilperson Newbold made the motion to authorize the Supervisor to pay Accounts Payable check run on February 11, 2021 in the amount of \$153,556.54. Councilperson Lyons seconded the motion.**

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

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

2. **Councilperson Lyons made the motion to authorize the Supervisor to pay Manual A/P Runs for January 31, 2021 in the amount of \$215,416.31. Councilperson Newbold seconded the motion.**

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

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

3. **Councilperson Newbold made the motion to approve the year-to-date budget transfers requested by the Budget Officer for 12/31/2020 and 02/11/202 as presented. Councilperson Lyons seconded the motion.**

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

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

4. **Information: Budget Officer, Christine Cavaliere, conducted an accounts payable audit for February 11, 2021 (attached).**

As stated, for information only.

Afterthoughts:

Councilperson Newbold mentioned a potential problem with snow removal at Heritage Estates.

Camille O'Brien from Senator Martucci's office addressed the Board Members offering services from the Senator's Office. She reports back to the Senator news from the Town of Goshen that they can possibly assist us with.

ADJOURNMENT:

Councilperson Lyons made the motion to adjourn the meeting. Councilperson Newbold seconded the motion.

Time: 9:57PM

Priscilla Gersbeck, Town Clerk

