

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

October 13, 2016  
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 13th day of October, 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
	Priscilla Gersbeck	Town Clerk

**A. CALL TO ORDER**

The meeting was called to order by Supervisor Bloomfield at 7:33pm, followed by the Pledge of Allegiance.

**B. AMENDMENT TO THE AGENDA**

One item was added for the Executive Session.

**C. PRIVILEGE OF THE FLOOR (agenda items only)**

None at this time.

**D. OLD BUSINESS:**

**1. APPROVE THE TENTATIVE TOWN OF GOSHEN 2017 BUDGET AS THE PRELIMINARY BUDGET AND SET A PUBLIC HEARING FOR OCTOBER 27, 2016**

Copy of the Tentative Budget has been given to the Board Members for review.

Councilman Newbold made the motion to accept the Tentative Budget as the Preliminary Budget. Councilwoman Gallo seconded the motion.

On A Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, VanDerMolen  
0 NAYS

Councilman Van Der Molen made the motion to set the public hearing for the Preliminary Budget to be held on October 27, 2016 at 7:30pm or as soon thereafter at the Town Hall on 41 Webster Ave. Councilman Newbold seconded the motion.

On A Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, VanDerMolen  
0 NAYS

**2. DISCUSS AND APPROVE REQUEST TO RETURN A \$126,000.00 PERFORMANCE SURETY BOND TO BEAZER HOMES INC. THE WORK TO BE COVERED BY THE PERFORMANCE BOND HAS BEEN SATISFACTORILY COMPLETED.**

Ross Winglovitz, P.E., of Engineering & Surveying Properties, PC addressed the Board. He submitted a letter asking for the release of the Performance Surety Bond. The small section of the access road that was in the Town of Goshen and services the Glenview Hills Subdivision, a subdivision in the Village of Florida, has been completed since 2007. This road was dedicated to the Village of Florida in 2008. A copy of the deed has been submitted.

**TOWN OF GOSHEN  
RESOLUTION**

RESOLUTION RELEASING THE PERFORMANCE SURETY BOND #6407472 BEING HELD BY THE TOWN OF GOSHEN IN CONNECTION WITH A PORTION OF THE ENTRANCE ROAD TO THE BEAZER HOMES SUBDIVISION (GLENVIEW HILLS) LOCATED IN THE VILLAGE OF FLORIDA

INTRODUCED BY: Councilman Kenneth Newbold  
SECONDED BY: Councilman John Van Der Molen  
DATED: October 13, 2016

**WHEREAS**, the Town of Goshen currently holds a performance surety bond #6407472 in the amount of \$126,000.00 in connection with the Beazer Homes subdivision in the Village of Florida known as "Glenview Hills"; and

**WHEREAS**, a small portion of the entrance road into said subdivision is a separate tax lot located in the Town of Goshen, known as Section 20, Block 1, Lot 154.2 on the Town of Goshen tax maps; and

**WHEREAS**, that tax lot has been transferred to the Village of Florida, and the deed recording the transfer has been filed in the Orange County Clerk's office on September 25, 2008 in Liber 12732, Page 1137; and

**WHEREAS**, the Town Board is in receipt of a letter dated October 11, 2016 from Ross Winglovitz of Engineering & Surveying Properties requesting the release of the aforementioned bond due to the property being a public road owned and maintained by the Village of Florida; and

**WHEREAS**, the Town Attorney has reviewed the request, and recommends that the performance bond be released.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Goshen Town Board, pursuant to the recommendation of the Town Attorney, hereby releases the Beazer Homes performance bond being held by the Town of Goshen.

**BE IT FURTHER RESOLVED**, that no further actions by the Town Board or by the Town Clerk are necessary for the release of the bond, as the language of the bond states that it may be released by a resolution of the municipal governing body.

Discussion: Councilman Lyons asked for clarification of the transaction: The Village of Florida maintains that access road. There is no way the Town of Goshen Highway Dept. is responsible for this road. The road is deeded over to the Village of Florida.

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 AYE

Vote: Resolution carried by a vote 5 to 0

**E. NEW BUSINESS:**

**1. DISCUSS AND APPROVE REQUEST BY THE BUILDING OFFICE TO APPOINT CYNTHIA HAND, ESQ. AS A SECOND ALTERNATE TO THE GOSHEN PLANNING BOARD**

A memorandum from Neal Halloran, Building & Zoning, noted a higher than normal absenteeism by certain members on the Planning Board. A second alternate would take the place of the second Planning Board member absent for a meeting.

Councilman Lyons made the motion to appoint Cynthia Hand, Esq. as a second alternate to the Planning Board. Councilwoman Gallo seconded the motion.

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: Resolution carried by a vote 5 to 0

**2. INFORMATION: THE ASSOCIATION OF TOWNS OF THE STATE OF NEW YORK 2017 TRAINING SCHOOL AND ANNUAL MEETING WILL BE HELD FEBRUARY 19 - 22, 2017 IN NEW YORK CITY. SEE BROCHURE FOR DETAILS**

As stated, for information only.

**F. FINANCE:**

Councilman Newbold made the motion to authorize the Supervisor to pay Accounts Payable check run for 10-13-2016 in the amount of \$686,427.04. Councilman Lyons seconded the motion.

On A Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, VanDerMolen  
0 NAYS

**G. PRIVILEGE OF THE FLOOR**

Discussion regarding Legoland: a resident in Arcadia Hills extended an invitation to his home to see the location of the proposed Legoland Park from his property, concerns over a conflict of interest/ethics regarding Planning Bd Chairman going to Florida, requested members of their group to accompany (self-pay) the team site visit, requested Town Bd. visit the site in England, *opinioned* the visit is a good idea - negligent not to go, but cautioned setting a precedent, update on conducting a mock drill, requested a trip to the local Police Dept. during the site visit, conduct a cost/benefit analysis separate from the IDA, visit Legoland unannounced and during a holiday or peak season, speak to home owners near the Legoland Park, speak to owners/patrons of street businesses, talk to local people-not only officials, values of homes, and perhaps members of the Town Bd. visit Legoland.

Regarding CPV power plant, the corruption by politicians allowing permits for the construction of this plant, illegal payments for permits, Attorney General is investigating, asking for public support to halt the construction, emissions will be a health hazard to our valley, need an unbiased environmental study, and (noted for the Board) Cuomo's aide is an example of violating the code of ethics.

Legislator Philip Canterino updating local issues: (1) the operation of Tilcon (previously owned by Dutchess Quarry). He spoke with surrounding homeowners and residents at the Nursing home who have voiced their concerns over violations such as excessive noise, dust/grit, intense blasting and late/weekend working hours. (2) An offer has been made by Tilcon, to the County, to purchase 34 acres adjacent to their mining operation. Currently, Tilcon leases 13 acres on a month-to-month basis from the County. This might affect the archaeological site (caves) located in that vicinity. The County has not responded to listing the caves on the National Registry. He will follow-up on these issues and keep us informed.

Attorney Golden commented to clear the record: (1) There is no violation of the State Ethics Law or the Town Ethics Law with respect to the trip to Legoland. (2) The site visit is set by the Planning Bd. as to their role in the SEQRA process dealing with the site plan and environmental issues. Some of the issues will cover visual, noise, traffic, pedestrian flow, inter-relationship between pedestrian and traffic flow, and back-of-house operations. There are no plans to visit the Chamber of Commerce/tourism. If this Board would like to contact the police dept. and neighbors, that can be arranged.

#### **EXECUTIVE SESSION:**

Councilwoman Gallo made the motion to enter into Executive Session to discuss the following:

1. Moritz Litigation status

with the intent not to return. The motion was seconded by Councilman Lyons. Motion carried.

**H. ADJOURNMENT:** 8:25pm

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Priscilla Gersbeck, Town Clerk