

TOWN OF GOSHEN
TOWN BOARD MEETING

January 23, 2020
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 23rd day of January, 2020 at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:	Douglas Bloomfield	Supervisor
	Philip Canterino	Councilmember
	Richard Florio	Councilmember
	George Lyons	Councilmember
	Kenneth Newbold	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 7:30 pm, followed by the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

C. PRIVILEGE OF THE FLOOR (agenda items only)

Nick Gallo questioned the location of the sewer line which was recently rehabilitated. Ans: Lindenwood Drive.

D. REPORTS

Councilperson Canterino reported for the Highway Dept. He met with the Highway Superintendent to discuss the following: (1) aging of the fleet of vehicles and the cost of maintaining them, (2) purchasing a truck, (3) when the employees are not plowing the roads, they are busy maintaining safe passage and cutting back brush and (4) general rules associated with Dial-A-Bus transportation will be made more specific for liability reasons.

Councilperson Lyons met with the Town insurance carrier. The premium for 2020 was reduced to about the same rate as it was in 2017. He continues to attend negotiations with the PBA. Hopefully a settlement will be resolved by the 30th. In addition, he is on the Board of Directors of the Goshen Chamber of Commerce. The membership has doubled in size since last year.

Councilperson Florio reported for the Joint Recreation Committee. Projects they are presently working on are renovating the bathrooms at Erie Street Park and an extension to the pavilion at Craigville Park.

Councilperson Newbold reported on a meeting with the Senior Citizen Commission. He submitted reports detailing the Revenue and Expenditures for 2019. All and all, the Senior Center is in good shape. It was discussed to raise the rental fees for the hall, as they are too low. A new addition to the Center is a card scanning device that records the activity a person is attending and if they are members of the Seniors Club or Senior Members. The first trip is in March to attend a garden show in Philadelphia.

Supervisor Bloomfield reported Senator Metzger has decided not to propose the Harriman Dr. / Legoland Blvd. name change for Legislation. Therefore, the Town of Goshen will not address the subject. He met with Joe Newman who is the property owner of Section F in Hambletonian Park. He received Conditional Approval in 2008 and in 2019 he was asked to design a storm water control plan. He is working with a builder to activate the project. Mr. Newman is requesting a letter from the Village and Town to provide water/sewer services for about

25 homes. Well #6 in Heritage Estates has tested high in Sulphur. The builder is working on ways to lower the Sulphur content. The preferable way is to use ozone to oxidize the Sulphur. Next, a resident on Maple Avenue has requested signs to restrict the use of "Jake brakes" near his home. A "Jake brake" is a compression brake used to slow down a large vehicle. This has been referred to our attorney. Lastly, the Town is making progress in coming up-to-date on fire inspections.

E. OLD BUSINESS:

- 1. DISCUSS RESOLUTION AUTHORIZING ADVERTISING FOR BIDS IN CONNECTION WITH DEMOLITION AND REMOVAL OF THE RESIDENCE ON 6 LARCHWOOD TERRACE. THE BUILDING HAS BEEN CONDEMNED BY THE BUILDING INSPECTOR FOR BEING AN "UNSAFE" STRUCTURE.**

Supervisor Bloomfield explained this building has been deteriorating for many years. It is now unsafe to enter and has been condemned. Councilperson Newbold noted the surrounding neighbors will be happy to see this eyesore demolished.

TOWN OF GOSHEN

Resolution

RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS IN CONNECTION WITH THE DEMOLITION OF 6 LARCHWOOD DRIVE

INTRODUCED BY: Councilmember Kenneth Newbold

SECONDED BY: Councilmember George Lyons

DATED: January 23, 2020

WHEREAS, at the March 28, 2019 meeting of the Town Board, the Town Board adopted a Resolution determining that the dwelling at 6 Larchwood Drive was unsafe, and ordering that it be repaired or made safe or demolished and removed; and

WHEREAS, the property remains unsafe and dangerous in accordance with Chapter 51 of the Code of the Town of Goshen.

NOW, THEREFORE, BE IT RESOLVED, that that the Town Board of the Town of Goshen authorizes the advertisement for bids in connection with the Town's demolition of 6 Larchwood Drive, Goshen, New York, as the property remains unsafe and dangerous in accordance with Chapter 51 of the Code of the Town of Goshen.

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, Richard Florio	<u>AYE</u>		

Vote: Resolution carried by a vote of 5 to 0.

- 2. DISCUSS AND PASS RESOLUTION EXTENDING THE TERM APPOINTMENT OF ALAN ESKEW, ASSESSOR, NOVEMBER 2018 ENDING SEPTEMBER 30, 2024 AS PRESCRIBED IN R.P.T.L. SECTION 1537.**

TOWN OF GOSHEN

Resolution

APPOINTMENT OF ALAN ESKEW AS THE DESIGNATED ASSESSOR UNDER NEW YORK STATE R.P.T.L. § 1537

INTRODUCED BY: Councilmember Philip Canterino

SECONDED BY: Councilmember Richard Florio

DATED: January 23, 2020

WHEREAS, the Town has entered into an agreement with the County of Orange for the County to provide assessment services to the Town of Goshen, and to sign all reports on behalf of the Town of Goshen to the New York State Office of Real Property Services (NYSORPS) on July 25, 2019; and

WHEREAS, the Town wishes to appoint Alan Eskew as the Designated Assessor for the Town under New York State R.P.T.L. § 1537 for the term of that agreement; and

WHEREAS, Alan Eskew meets the minimum qualification standards pursuant to 20 N.Y.C.R.R. § 8188-2.2.

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby appoints Alan Eskew as the Designated Assessor for the Town under New York State R.P.T.L. § 1537 effective through September 30, 2024.

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, Richard Florio	<u>AYE</u>		

Vote: Resolution carried by a vote of 5 to 0.

3. INFORMATION: THE SEWER LINE REHABILITATION PROJECTS IN HAMBLETONIAN PARK AND ARCADIA HILLS HAVE BEEN COMPLETED.

As stated, for information only.

4. INFORMATION: DISCUSS RECAP OF SOLAR PROJECTS IN THE TOWN OF GOSHEN.

Currently the Town is reviewing applications for 6 solar projects and one battery storage facility. The solar projects are: (1) Davis Solar (2) South Goshen Solar (3) Glenmere Lake Soar (4) Varano Solar (5) Urbanski Solar Farm (6) 833 Pulaski Highway Goshen Solar and Energy Battery Storage on Hartley Road.

F. NEW BUSINESS:

1. REVIEW AND APPROVE A RESOLUTION TO AUTHORIZE THE SUPERVISOR TO SIGN A STORM WATER MAINTENANCE AGREEMENT WITH MAPLE AVENUE ONION, LLC (RICHARD MINKUS) REQUEST BY NYS DEC MS-4 REGULATIONS.

Supervisor Bloomfield read from the Stormwater Control Facility Maintenance Agreement and Deed Restriction:

1. "This agreement binds the Municipality and the facility owner, its successors and assigns, and all subsequent landowners of the premises or any part of the premises (who collectively and individually shall be obligated to assume all obligations and duties as facility owner set forth herein) now identified on the Tax Map of the Town of Goshen, New York as Section 19, Block 1, Lots 29 and 76 (the "Property"), to the maintenance provisions depicted in the approved project plans, and described in the Stormwater Pollution Prevention Plan (SWPPP), which are on file with the Municipality's Stormwater Management Officer and where the operation and maintenance requirements are set forth."

3. "The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities."

9. "If ever the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation, or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property."

Supervisor Bloomfield called for comments from the Board.

Councilperson Newbold stated that Mr. Minkus has maintained the storm water MS4 requirements and has faith that he will continue to do so.

Councilperson Canterino asked if there are security bonds or issues if he stops operating. The answer is in item 7. "The facility owner shall provide to the Municipality, within 30 days of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of a letter of credit or cash in the amount recommended by the Stormwater Management Officer and Town Engineer."

Councilperson Lyons requested to remove *letter of credit* and keep cash only.

Councilperson Kenneth Newbold made the motion to authorize the Supervisor to sign the Stormwater Maintenance Agreement and Deed Restriction for Maple Avenue Onions, LLC (aka Minkus) and any associated documents with a change to item #7 to eliminate the verbiage *letter of credit*. Councilperson Richard Florio 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, Richard Florio	<u>AYE</u>		

Vote: Resolution carried by a vote of 5 to 0.

2. REVIEW AND APPROVE GLENMERE LAKE SOLAR AND SOUTH GOSHEN PILOT AGREEMENTS NEGOTIATION BY THE ORANGE COUNTY REAL PROPERTY TAX OFFICE, TOWN OF GOSHEN AND THE GOSHEN CENTRAL SCHOOL DISTRICT.

This item has been tabled for the next meeting. Real Property Tax Service has requested to re-evaluate the PILOT Agreements assessing batteries.

G. FINANCE:

Councilperson Newbold made the motion to authorize the Supervisor to pay Manual A/P check runs as of 12/31/2019 in the amount of \$10,725.61 and Accounts Payable check run for 01/23/2020 in the amount of \$497,830.77. Councilperson Lyons seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Florio, Lyons, Newbold
0 NAYS

H. MINUTES:

Councilperson Florio made the motion to approve the minutes of the Town Board Reorganization meeting of January 2, 2020. Councilperson Lyons seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Florio, Lyons, Newbold
0 NAYS

I. PRIVILEGE OF THE FLOOR

Chris Pskowski explained to the Board that there is a 40' x 60' tent frame standing on the LaColina property.

He is asking if the tent frame, which has been up for 8+ months and is only permitted for 6 months, is still a tent or is it a structure. If it is a structure it should have a permit. After a lengthy discussion it was decided that ultimately this is a decision for Neal Halloran. If Mr. Pskowski disagrees with Neal's determination he may appeal to the ZBA. Mr. Pskowski noted that the last time he appealed a decision in front of the ZBA, the cost was around \$4,000 to prove Neal wrong. He would like a response in writing from Neal. Secondly, he is asking for an update pertaining to a Supreme Court injunction against LaColina regarding no work on the property, no showing and no bookings for 2020. LaColina continues to book for the season defying the court order. In the meantime, the DEC has issued a Cease & Desist Order to LaColina for grading and clearing more than permitted. Violations were cited, shutting down the work. Was the Judge informed that LaColina continued to break the court order? Attorney Golden answered: Some of it was presented to the Judge when it was relevant to the continuing Temporary Restraining Order, which states that they cannot use the facility for anything other than a single family residence until they get permits to do something else. That's what the injunction is. Attorney Golden defined and explained that a preliminary injunction has been discussed.

Mary Kay Jankowski asked if the residents living at Glen Arden will be impacted by the Harriman Drive entrance into Legoland. Ans: All of the facilities along Harriman Drive will keep their current address. The DOT is building a "fly-over" for the new Exit 125 for the majority of the traffic. A small percentage of the cars entering Legoland will use Harriman Drive. Harriman Drive will be improved to accommodate additional traffic.

Nick Gallo asked if the Emergency Access Road is completed, then why are road construction signs still up on Arcadia Road. Ans: Don't know. Secondly, 3 dead trees and 6 good trees were cut down behind his property. A mess of brush and shrubs remains. Ans: Supervisor Bloomfield will talk to Neal Halloran to see if more clearing will be done to that area. Attorney Golden commented this property is in a conservation easement. Therefore work is limited in that area.

Debra Corr asked if anything is being done to live-stream Board meetings. She mentioned the Town of Montgomery installed a live-stream feed for their public meetings.

Bob Smith questioned why PILOTS are offered to Solar Farms. He believes there is no reason to give PILOTS. The solar farms will come here anyway. Fast food entities, gas stations, motels and hotels etc. should not get PILOTS. Businesses will come here, because of Legoland. Ans. IDAs and the State of New York gives PILOTS and incentives to companies.

J. ADJOURNMENT: 8:55 PM

Councilperson Canterino made the motion to adjourn to enter into Attorney Client meeting. Councilperson Florio seconded the motion. Motion carried.

Priscilla Gersbeck, Town Clerk