

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

February 28, 2019

MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 28th day of February, 2019 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 Van Der Molen	Councilmember

Also Present:	Kelly Naughton, Esq.	Attorney (Portion of Meeting)
	Ashley Torre, Esq.	Attorney (Portion of Meeting)
	Richard Golden, Esq.	Attorney (Portion of Meeting)
	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. Supervisor Bloomfield acknowledged Legislature Hon. James O'Donnell and a member of the local Boy Scout troop.

**B. AMENDMENT TO THE AGENDA**

Change in agenda order: New Business #3, #4 & #5 to be addressed first.

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

**E. NEW BUSINESS:**

**3. DISCUSS AND CONSENT TO THE GOSHEN TOWN PLANNING BOARD BEING THE LEAD AGENCY FOR THE ORANGE AND ROCKLAND TRAINING FACILITY PROJECT.**

The Town Board unanimously agreed for the Town Planning Board to serve as Lead Agency in the matter of Orange & Rockland Utilities, Site Plan and Special Permit Application, located on Old Chester Road, Tax Map # 8-1-13.

**4. AGREE TO A HOLD HARMLESS AND INDEMNIFICATION AGREEMENT WITH ORANGE AND ROCKLAND FOR THE TRAINING FACILITY PROJECT IN CONNECTION WITH A CLEARING AND GRADING PERMIT.**

Attorney Naughton reviewed the Hold Harmless and Indemnification Agreement.

Councilperson Lyons made the motion to accept said Agreement. 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

**5. GIVE RETROACTIVE APPROVAL FOR PLACEMENT OF A PRIVATE WATER MAIN WITHIN THE TOWN'S RIGHT-OF-WAY FOR THE ORANGE AND ROCKLAND TRAINING FACILITY SUBJECT TO AN INDEMNIFICATION, HOLD HARMLESS AND MAINTENANCE AGREEMENT.**

Sean Hoffman, PE explained this water line was already placed within the right-of-way of Old Chester Road. He is currently working with Orange & Rockland to finalize the Indemnification, Hold Harmless and Maintenance Agreement.

#### D. REPORTS

**Councilperson Melissa Gallo** reporting for the Joint Recreation Commission: The JRC met in February. The parks remain closed for the winter. Currently applications are being accepted for Camp Counselors and CIT's. Summer camp will run from July 1 to August 9. Registration for camp opens on April 1. All registrations must be completed on the JRC website.

**Councilperson George Lyons** reporting for Highway Department: Snow & ice occurrences since the last report happened on 1/29-1/30, 2/12-2/13, 2/18, 2/20-2/21, and 2/28. During this period one thousand and fifty (1,050) tons of road salt was ordered. Due to the high quantity of rain we have had this month it has been common to have several trucks out daily to treat areas where water had gathered on roadways and frozen overnight. When weather and other conditions allow crews cold patch potholes, perform maintenance on trucks/equipment, and clear drainage piping and catch basins of leaves and snow prior to rain or melting conditions.

**Councilperson John Van Der Molen** reporting for the Senior Commission: BOCES students are providing free manicures and hand massages on March 8<sup>th</sup>. On Tuesday, March 12<sup>th</sup> starting 12 noon, the Senior Center will be celebrating St. Patrick's day with a traditional luncheon catered by Catherine's Restaurant. The cost is \$15.00 per person and advance reservations are required. The Women's Book discussion will be on March 22<sup>nd</sup> from 11 to 1 pm. The discussion will be on "Pavilion of Women" by Pearl S. Buck. This year's "Senior" Prom hosted by the Goshen High School Interact Club will be held on Friday April 26<sup>th</sup>.

**Councilperson Kenneth Newbold** reported on a visit to Hon. Jen Metzger's office checking on the progress of a grant for the Town Highway Dept. salt shed. He also asked for her support along with the Town requesting the County to purchase the land adjacent to the Veteran's cemetery. He also conveyed the same message to Hon. Colin Schmitt. He is busy with grants. He supports nominating Michelle Figliomeni, PH.D. for "Women Of Distinction". Congratulations to Legislature Hon. James O'Donnell, who was selected to be the Grand Marshall for the Mid-Hudson St. Patrick's Parade.

**Supervisor Bloomfield** reported on a meeting with representatives from Amy's Kitchen. The project hired two engineering companies, one to design and the other to oversee the construction of the facility. In April, plans are to put a concrete deck on the bridge that is over the Walkill River and then they will begin construction on the facility. On another note, a water main break was discovered at 3:30AM on February 21<sup>st</sup> in Hambletonian Park by a DPW employee who was plowing snow. TAM responded and fixed the leak.

#### E. NEW BUSINESS CONTINUED:

##### 1. HEAR A DISCUSSION BY R.J. SMITH REALTY REGARDING THE SOUTH GOSHEN SOLAR, LLC, A 4.5 MW SOLAR PHOTOVOLTAIC ENERGY SYSTEM.

R.J. Smith introduced Joel Thomas (Community Energy) who presented the application of South Goshen Solar, LLC to the Board. The property is located at 2473 State Route 17A (SBL 13-1-10.12) in the Town of Goshen. It is within the Commercial/Office Mixed-Use (CO) and Rural (RU) zoning districts and is an active

hay producing field. The applicant wishes to install a ground mounted solar 4.5 MW photovoltaic energy system. The proposed fixed battery panels will cover approximately 45-50 acres.

**2. HEAR A DISCUSSION BY P.V. ENGINEERS, P.C. REGARDING 833 PULASKI HIGHWAY GOSHEN SOLAR, A 1.65 MW SOLAR PHOTOVOLTAIC ENERGY SYSTEM.**

This has been tabled – the engineers were absent.

**6. NUGENT & HAEUSSLER, P.C. ARE ON-SITE FOR FOUR DAYS THIS WEEK TO CONDUCT THE TOWN OF GOSHEN ANNUAL AUDIT.**

For information only.

**7. INFORMATION: A WATER MAIN BREAK WAS DISCOVERED AT 3:30AM ON 2/21/19 IN HAMBLETONIAN PARK BY A DPW EMPLOYEE PLOWING SNOW. TAM RESPONDED AND FIXED THE LEAK.**

Discussed earlier.

**8. DISCUSS AND APPROVE TOWN OF GOSHEN HISTORIAN, MICHELLE P. FIGLIOMENI, PH.D. AS THE TOWN CANDIDATE FOR THE “WOMEN OF DISTINCTION” EVENT SPONSORED BY ASSEMBLYMAN COLIN SCHMITT.**

The Town of Goshen submitted Michelle P. Figliomeni, Ph.D. to be our candidate for the “Women of Distinction” Award. Michelle has been the Town Historian since 1997. She is affiliated on the International, National, Regional and County levels for her many contributions preserving history. Michelle is the author of several books, a consultant for cultural and historical exhibitions, President of the Orange County Historical Society, member of American Printing History Associations, current Editor of OCHS Journal, Trustee of Goshen Restoration – Unlimited, Editor of numerous local history books and researcher for historical articles, to name a few of her many achievements.

Councilperson Newbold made the motion to submit Michelle P. Figliomeni, Ph.D. for the “Women Of Distinction” Award sponsored by Assemblyman Colin Schmitt. Councilperson Gallo 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. PRESENTATION BY THE TOWN ENGINEER AND DISCUSSION REGARDING VARIOUS OFFERS OF DEDICATION BY THE HILLS OF GOSHEN SUBDIVISION, FOR FUTURE ACTION BY TOWN BOARD.**

Sean Hoffman, PE explained the offers of dedication by Hills of Goshen. This is a 34 lot residential subdivision located along the easterly side of Arcadia Road and along the municipal boundary with the Town of Chester. In a suit against the Town, the Town and the developer settled in 2002 allowing the subdivision to proceed. The application received conditional final subdivision approval in 2004 and construction commenced shortly thereafter. The final building permit was issued in 2017. The punch-list for the subdivision roads, infrastructure and easements was completed in 2018. Currently the developer is requesting acceptance of the punch-list.

*Punch-list, Subdivision of Roads* – the subdivision includes 3 roads: Danielle Drive, Allyson Court, and Jessica Court. Danielle Drive is approximately 2,430 linear feet long and provides access to Arcadia Road. Danielle Drive ends in a hammerhead 12 feet before the Town of Chester boundary. Allyson and Jessica Courts are cul-de-sacs each measuring approximately 400 linear feet. If the Town accepts dedication of the subdivision roads, the developer is required to file a maintenance bond for a period of one year.

*Punch-list Infrastructure* – the stormwater drainage system consists of collection, conveyance and treatment practices including catch basins, subsurface storm drains and four detention basins (ponds). All residential properties are served by individual water supply wells and onsite septic systems. The approval required the installation of an 8 inch diameter iron water main along the subdivision roads. This is a “dry” main, because there are no connections to a water supply source or to residential lots. The Hills of Goshen is located between two the Arcadia Water District and the Greens of Chester which includes a central water system.

*Punch-list Open Space Parcels and Easements* - the developer was required to donate and dedicate a 13.11 acre parcel and a 4.4 acre parcel to the Town for open space. The subdivision includes 1 sight distance easement at the intersection of the subdivision road with Arcadia Road. An access and utility easement over subdivision Lot Nos. 9 and 10 is to access the open space parcel. Another access easement for emergency vehicles is between the right-of-way Goshen boundaries with the Town of Chester. According to the Stipulation, the subdivision includes conservation easements over the subdivision Lot Nos. 1, 15, 16, 31, 33, and 34 adjacent to Arcadia Road and the Goshen boundary. Drainage easements over Lot Nos. 15, 31, 32, 33, and 34 are to access and maintain 3 of the 4 detention basins (the fourth detention basin is located adjacent to Jessica Court on the Town owned open space parcel). As previously stated, this is an over-view for future action.

**2. REVIEW AND APPROVE THE SOLAR TAX AGREEMENT BETWEEN THE TOWN OF GOSHEN AND DAVIS SOLAR, LLC, EFFECTIVE JANUARY 1, 2020.**

Supervisor Bloomfield noted from now on, the verbiage of Solar Farm is changed to Solar Tax Agreement, because if one of the facilities goes out of business the Town of Goshen will be first in line as agreed to collect from the PILOT. The estimated PILOT payment over 15 years as follows: County - \$42,274.13, Town/Hwy - \$47,979.85, Goshen School - \$255,614.35 total amount \$345,868.34. The tax per kw for all solar groups will be \$10,000.

Councilperson Newbold made the motion to accept the Solar Tax Agreement as presented. Councilperson Lyons seconded the motion.

Upon Roll Call Vote:

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

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

**3. REVIEW A PROPOSED MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF GOSHEN AND THE CSEA TOWN OF GOSHEN UNIT #7926 FOR YEARS 2019 THRU 2023 AND APPROVE IF ACCEPTABLE.**

Supervisor Bloomfield along with Councilperson Lyons have met several times negotiating with the CSEA to finalize this agreement. Supervisor Bloomfield explained Item #13, regarding appointments to vacant positions. The Highway Dept. has MEOs (Medium Equipment Operators) and HEOs (Heavy Equipment Operators) who are skilled to operate specific equipment. Therefore, appointments are to be considered according to qualifications. The agreement addresses this as follows: “Appointments to vacant positions covered by this Agreement

shall be made available to qualified employees before other new employees are hired. Vacant positions shall be posted for a period not less than five (5) working days. Employees interested in a vacant position shall fill out and submit a new employment application listing all qualifications, training and experience to the Superintendent of Highway".

Supervisor Bloomfield summarized key points in the Memorandum.

Councilperson Lyons noted a few more details he believed need to be clarified.

On another topic: Councilperson Lyons added that "you can't get any better health insurance than if you work for the Town of Goshen". There is no co-pay, no deductibles, we pay everything. We have a premium and a HRA that we are proud to offer our employees.

Councilperson Newbold suggested to offer employees in the Highway Dept. the opportunity to get the necessary training to move up in the department.

Councilperson Newbold made the motion to accept the Memorandum subject to ratification by the CSEA Union. Councilperson Gallo seconded the motion.

Upon Roll Call Vote:

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

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

**4. INFORMATION: JRC REQUEST TO REPAIR SALESIAN FENCE HAS BEEN FORWARDED TO H2M ENGINEERING FOR THEIR REVIEW AND PREPARATION OF AN RFP IF NEED BE.**

Supervisor Bloomfield believes this will qualify for the Community Development Block Grant. It was suggested for Councilperson Newbold to send an email to the Director in the Community Development Office summarizing the project. In response, the Director will indicate if the project qualifies to meet the HUD Standards. Discussion covered different ways to promptly repair the fence.

**5. INFORMATION: NEW YORK STATE HAS MADE A \$102,558.75 PAYMENT TOWARD REIMBURSEMENT FOR THE DURLAND AND COLEMAN CULVERT PROJECTS. THE FEDERAL GOVERNMENT STILL OWES A BALANCE OF \$106,461.07.**

As stated, for information only.

**6. ORANGE COUNTY SALES TAX REVENUE FOR 2018 EXCEEDED FORECAST. THE TOWN OF GOSHEN WILL RECEIVE A SUPPLEMENTAL CHECK FOR \$96,216.94 IN MID-MARCH AND WILL BE \$382,597.66 OR 31.9% BETTER THAN FORCAST FOR THE YEAR.**

For information only.

**G. FINANCE:**

Councilperson Lyons made the motion to authorize the Supervisor to pay Accounts Payable check run for 2/28/2019 in the amount of \$207,196.66. Councilperson Gallo 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

**Nick Gallo** requested that the Board draft and send a letter to the County opposing the use of taxpayer money to market and advertise the Legoland Theme Park.

**Legislature Hon. James O'Donnell** commented that Legoland representatives along with the County Tourism Director gave a preliminary presentation to the County Legislative committee for funding a marketing collaboration. On the record, he spoke out against funding along with other lawmakers. He asked for clarification of the emergency road in and out of Legoland Park. For the record, he believes the non-paved emergency road "is not as safe as it could be". Legoland representatives will return to the County Legislative committee requesting \$1 million to assist in marketing the theme park. He believes this will be an "uphill battle" for approval. For the record, he will cast a no vote.

**Two members** from the World Mission Society Church of God addressed the Board on their program "ASEZ" (Saving the Earth from A -Z). They extended an invitation to attend an evening of musical performances on 3/10/2019 at 3:00pm, by the Church of God choir and orchestra to kick-off the ASEZ campaign.

#### I. ADJOURNMENT: 9:30PM

Councilperson Gallo made the motion to adjourn to enter into Attorney Client meeting. Councilperson Van Der Molen seconded the motion. Motion carried.

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Priscilla Gersbeck, Town Clerk