

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

April 11, 2019

MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 11th day of April, 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  
                      John Van Der Molen    Councilmember

Absent:            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**

Addition to New Business #4: Discuss proposal to clean the HVAC Ductwork at Town Hall.

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

**D.      OLD BUSINESS:**

**1. DISCUSS USING ORANGE COUNTY LAND TRUST TO MANAGE A WETLAND EASEMENT ASSOCIATED WITH DAVIS SOLAR, LLC. THE REQUEST IS BEING MADE BY PROJECT DEVELOPER, CYPRESS CREEK RENEWABLES.**

Sazzy Gourley, Project Developer for Cypress Creek Renewables (CCR) addressed the Board. The location is along Owens Road in the rural district with AQ-6 Stream Corridor and Reservoir Watershed overlay zones. The application is for a two (2) megawatt solar facility on approximately 84.88 acres. In 2006 the Town of Goshen granted a conservation easement for 54.402 acres on this site. Before a permit can be issued, the US Army Corps of Engineers requires onsite wetland mitigation for 0.45 acres. CCR is proposing the Town of Goshen be a third-party neutral wetland enforcer. There was a lengthy discussion as to the scope of monitoring the wetland. The Army Corp of Engineers should set in writing exactly what a wetland enforcer is expected to be monitoring. Easement enforcement is very different from wetland enforcement, which includes Federal guidelines. Under legal advice, it was decided more details have to be provided before making a commitment.

**2. REVIEW A VER HAGE INDUSTRIES DRAINAGE EASEMENT AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME.**

In retrospect, this Easement was signed on April 3, 2019 because of time constraints. The Drainage Easement creates no obligation on the part of the Town. It allows the Town to take corrective measures if there is evidence of a violation with respect to drainage that will create a danger to the public. Basically it gives the Town the right to protect the the public and/or public property without having the obligation to do anything. [Drainage easement on file in the Clerk's office].

Councilperson Gallo made the motion to accept the Drainage Easement from Ver Hage Industries, LLC and to authorize the Supervisor to sign said document. Councilperson Van Der Molen seconded the motion.

Upon Roll Call Vote:

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

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

**3. DISCUSS REQUEST BY SCIENCE OF THE SOUL TO CONSIDER REDUCING THE COST OF PERMIT FEES FOR A MULTI PURPOSE BUILDING AND A CONFERENCE BUILDING. THE BASIS FOR THE REQUEST IS THAT THE BUILDINGS ARE LARGE, SIMPLE IN DESIGN, AND WILL NOT REQUIRE PROPORTIONATE INSPECTIONS.**

Supervisor Bloomfield believes the schedule of fees we charge to the different types of project activity can be modified. Two of the buildings will be more like pavilions, *open* on all four sides. As per current guidelines for enclosed buildings of sizes being planned, the cost for permits would be approximately \$130,000. Perhaps a meeting with the Attorney, the Building Inspector and he can come to an acceptable agreement.

**4. DISCUSS A PROPOSED FEE SCHEDULE SUBMITTED BY RALPH HUDDLESTON. RALPH IS NO LONGER ASSOCIATED WITH CARPENTER ENGINEERING AND IS WORKING ON HIS OWN. THE PLANNING BOARD WOULD LIKE TO CONTINUE USING HIS SERVICES.**

In a letter to the Planning Board Chairman, Mr. Huddleston wrote "Compensation for this effort is proposed on an hourly per diem basis at the rate of \$170.00 per hour. Work will billed on a monthly basis with all bills due upon receipt." Mr. Huddleston would like to continue as a consultant providing environmental review on projects such as Legoland, Amy's Kitchen etc.

Councilperson Lyons made the motion to go into Executive Session for discussion. Councilperson Gallo seconded the motion. Motion carried.

Upon return:

Councilperson Lyons made the motion to engage the services of Ralph Huddleston for purposes of an Environmental Consultant to the Planning Board, whose costs are passed on to the applicant, at the rate of \$170.00 per hour is at will. Councilperson Van Der Molen seconded the motion.

*[At will meaning that at any point the Town Board believes that it is not in the best interest of the Town to continue to engage him or to engage him at a lower rate than \$170.00, the Town has the ability to rectify that.]*

Upon Roll Call Vote:

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

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

**5. DISCUSS REPAIR OF THE SALESIAN PARK PERIMETER FENCING.**

In a memorandum from Town Engineer Sean Hoffman, PE, he stated his conclusions & recommendations as follows: "Given the timing of the failures and soil conditions during our site visit, it appears the failures are related to winter frost heave possibly exacerbated by significant precipitation". To summarize, he recommended to dismantle sections and store them at a central location. For reinstallation the fence sections should include setting new posts in a concrete footing to a depth of at least four (4) feet below grade. This may resolve the matter of frost heaving for the portions of the fence which are repaired. Furthermore, it is possible additional sections of fence may experience similar failures in the future. Recommending Parks & Recreation Dept. continue to monitor the fence and disassemble any sections that are unstable or can collapse.

An estimate for this work was received by the Goshen Parks & Recreation Dept. for \$28,000. According to the Town's Procurement Policy, any public works costing between \$20,000 and \$35,000 requires a written RFP with proposals from three vendors. The estimate received is to install 52 new fence posts within concrete footings and reset 51 sections of fence for \$28,000. This will repair approximately 30% of the overall fence along NYS Route 207 and to address sections of fence which have become unstable.

Supervisor Bloomfield believes the fence is in a state of emergency, because it can fall over and significantly hurt someone. Since the Town has declared the fencing in a state of emergency, the Town will cover the *entire cost* amounting to \$28,000. The monies will come from Fund A, not the Parkland Fund. Parkland funds are created for capitol items such as new parks in new developments.

Councilperson Gallo made the motion, based upon Sean Hoffman's memo regarding his site visit and due to the present instability and failure and partial collapse of the existing fence and the likely hood this may occur at any time going forward and the consequence of harm to children and others that maybe in that area, a State of Emergency is declared with respect to the repair of this fence. Supervisor Bloomfield added installation specifications recommended by Sean Hoffman. PE. Councilperson Lyons seconded the motion.

Discussion: Councilperson Lyons is concerned that with the opening of the new Library on May 18<sup>th</sup>, many adults and children will be attending this event. Also if the repairs are not done soon, it could do more damage to the good sections of the fence.

Upon Roll Call Vote:

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

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

Councilperson Gallo motioned to modify the above motion to include Premier Fence Company, Inc. as contractor. Councilperson Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, Van Der Molen  
0 NAYS  
1 ABSENT Newbold

**6. INFORMATION: ALL 75 HOUSING UNITS IN "THE HERITAGE OF GOSHEN" HAVE BEEN SOLD AND BUILDING PERMITS ISSUED.**

As stated, for information only.

**E. NEW BUSINESS:**

**1. REQUEST FROM THE BUDGET OFFICER TO INVEST \$1.5 MILLION IN AN M & T BANK 6-MONTH CD AT THE RATE OF 2.35%.**

Councilperson Gallo made the motion to authorize the Budget Officer to invest \$1.5 million in an M & T Bank 6-month CD at the rate of 2.35% - \$750,000 from Fund A and \$750,000 from Fund B. Councilperson Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, Van Der Molen  
0 NAYS  
1 ABSENT Newbold

2. **INFORMATION: ORANGE COUNTY WILL BE HOLDING A HOUSEHOLD HAZARDOUS WASTE AND PHARMACEUTICAL COLLECTION EVENT ON SATURDAY APRIL 13, 2019 FROM 9:00AM UNTIL 3:00PM AT THOMAS BULL MEMORIAL PARK.**

As stated, for information only.

3. **INFORMATION: THE TOWN OF GOSHEN WILL CONDUCT THE ANNUAL SPRING CLEAN UP STARTING APRIL 29<sup>TH</sup>. ALL ITEMS MUST BE CURBSIDE BY 7:00AM ON THE 29<sup>TH</sup>.**

GENERAL GUIDELINES:

- ▶ HOUSEHOLD ITEMS ONLY
- ▶ NO CONSTRUCTION DEBRIS
- ▶ NO ELECTRONIC DEVICES
- ▶ NO ITEMS WEIGHING MORE THAN 125 POUNDS
- ▶ BRUSH MUST BE 8 FEET OR LESS IN LENGTH
- ▶ LEAVES MUST BE IN *PAPER BAGS* (NO PLASTIC)

As stated, for information only.

**4. DISCUSS PROPOSAL TO CLEAN THE HVAC DUCTWORK AT TOWN HALL.**

Three companies submitted proposals for the HVAC Ductwork in the Town Hall: (1) Clarity Water Tech, LLC Nanuet bid \$5,800.00 (2) Haven Property Solutions, Wurtsboro bid \$9,475.52 and (3) ServPro of Orange, Sullivan & Ulster bid \$5,567.75. ServPro submitted via-e-mail, but the RFP stipulated only hard copy proposals would be accepted. Clarity Water Tech, LLC, also recommended additional work in the amount of \$3,400.00 to clean the coils of the four rooftop HVAC units, which would maximize efficiency of the units and prolong equipment life.

Councilperson Van Der Molen made the motion to award the HVAC duct cleaning contract to Clarity Water Tech, LLC, from Nanuet in the amount of \$5,800.00 and to do additional cleaning of the roof HVAC units in the amount of \$3,400.00. Councilperson Gallo seconded the motion.

On a Voice Vote, the motion passed: 4 AYES      Bloomfield, Gallo, Lyons, Van Der Molen  
0 NAYS  
1 ABSENT      Newbold

**F. FINANCE:**

Councilperson Gallo made the motion to authorize the Supervisor to pay Manual A/P runs as of 02-28-2019 in the amount of \$16,147.15 and 03-31-2019 in the amount of \$16,057.35 and Accounts Payable check run for 04-11-2019 in the amount of \$133,496.01. Councilperson Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES      Bloomfield, Gallo, Lyons, Van Der Molen  
0 NAYS  
1 ABSENT      Newbold

**G. PRIVILEGE OF THE FLOOR**

**Chris Pskowski** owns a parcel adjacent to the Foxfire property. At the last meeting he questioned a clearing & grading permit given to Foxfire La Colina without the project approval and wanted an update. He observed clearing & grading on April 1<sup>st</sup> and on April 3<sup>rd</sup>. According to the permit, the clearing & grading was to be done by April 1<sup>st</sup>. He reported the activity to the Town Police and the DEC. A cleared lot was created in his backyard which can possibly be used for parking. He believes the grade along the hillside will require a retaining wall. What is being done?

Ans: a notice of violation to cancel all events for 2019 was sent to the owners requesting a response by April 3<sup>rd</sup>. No response has been received. Therefore, the Town will proceed with litigation. The clearing & grading is a separate issue allowed by the permit activity. The DEC enforces the regulations of cutting trees after April 1<sup>st</sup>. It is not a Town issue. A homeowner has the right to clear & grade their property.

**Nick Gallo** questioned replacement specifications of the fencing at Salesian Park. (Inaudible)

**Reynell Andrews** asked if the Town is able to repair the Salesian fencing. Ans: No. He asked about the quantity of stones to be placed in the holes around the concrete for drainage. Ans: the specifications are with our engineer.

#### **H. ADJOURNMENT**

Councilperson Gallo made the motion to adjourn the meeting to enter into Attorney Client meeting with the intent not to return. Councilperson Lyons seconded the motion. Motion Carried.

Time: 9:20PM

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Priscilla Gersbeck, Town Clerk