

TOWN OF GOSHEN  
**TOWN BOARD WORK SESSION**

August 8, 2016

MINUTES

A work session of the Town Board of the Town of Goshen was held on the 8<sup>th</sup> day of August, 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
	Robert Rametta, Esq.	Special Counsel – Tax Certiorari/Negotiations
	Dennis Caplicki, Esq.	Special Counsel – Al Turi Tax Litigation
	Ashley Torre, Esq.	Attorney
	Dennis Lindsay, P.E.,	Town Planner & Engineer
	Priscilla Gersbeck	Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:30pm, followed by the Pledge of Allegiance.

Supervisor Bloomfield reviewed a few notes he had taken at a meeting, in the 911 Center, conducted by the Dept. of Agriculture and an Attorney sponsored by Orange County, pertaining to solar energy systems. In summary: the people were warned not to enter into an agreement with a solar company unless an attorney has reviewed all of the contractual documents.

**PUBLIC HEARING:**

- 1. CONDUCT PUBLIC HEARING REGARDING LOCAL LAW #4 OF 2016 AMENDING CHAPTER 97 OF THE CODE OF THE TOWN OF GOSHEN FOR WIND AND SOLAR ENERGY SYSTEMS. CLOSE PUBLIC HEARING AND INCORPORATE ANY PUBLIC INPUT FOR VOTE ON LOCAL LAW**

Councilman Newbold made the motion to open the public hearing on Local Law # 4 of 2016 – Chapter 97, Wind and Solar Energy Systems. Councilman Lyons seconded the motion. [This Local Law is on file in the Clerk's Office and on the Town web site]

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

Dennis Lindsay, P.E. explained the uses to be permitted in certain districts. He presented a summary of the Local Law covering: (A) small solar systems, ground mounted systems, rooftop requirements (B) small wind systems (C) farmland requirements (D) general requirements, and (E) zoning permit and site plan application requirements. Supervisor Bloomfield questioned the decommissioning bond

at 150% of estimated cost of removal and restoration. More discussion is needed to determine the form of the bond.

Supervisor Bloomfield called for comments from the public.  
(This is a summary of the comments given.)

Neal Frishberg: introduced Joel Thomas from Community Energy. Noted areas to be addressed: (1) need clarification of details to buffer distances which may not be appropriate (2) use limitations (3) clarify not being able to build on prime ag-land (4) issues involved with interconnection power lines and glare, and (5) clarify decommissioning/ bond funding. (submitted letter)

Karen Arent: Thought that the rule pertaining to keeping the equipment on only 50% of the unconstrained land is good, because it minimizes the size of the solar farm. She strongly suggests that the law should incorporate consulting legal counsel before signing a contract.

Susan Shapiro: Had two items to address (1) clarify terminology of "not prime agricultural land", and (2) involves § 12 (d) the restriction on fence height. She is asking to consider it acceptable to use deer fencing which is around 8 ft. high. Therefore plants can grow under the solar panels and the deer will be kept out. (submitted letter)

Patty Smith: Verengo Solar, Had a couple of clarification questions: (1) explain where the two megawatt systems are addressed (2) clarify definition "Major Solar Collection System or Solar Farm"-does this pertain to Section E? (3) explain the 50% coverage of subdivision requirements for utilities, and (4) supports decommissioning bonds – challenging to come up with the actual removal cost.

Jerry Boss: Spoke of his recent travel on Route 17 West to North Carolina. He was quite impressed to see the size of the "mammoth solar farms" along this corridor. Questioning the look of the future.

John Reagan, Cypress Creek Renewables, commented (1) the proposed 100ft setback should be related to the actual foreseeable impacts from the proposed use – being as minimal as possible, and (2) suggests removing arbitrary coverage ratios. (submitted letter)

Jack Arent, stressed his disappointment with the contractual tactics used by Cypress Creek Renewables.

Timothy Ahrens, Sun Edison, cited several items (1) §97-10(D) and §97-13(D) clarify 20 contiguous acres or more in size (2) §97-55(C) does this section only apply to small energy systems less than 2,500 sq. ft. (3) fencing heights-referencing view obstruction or security of the site (4) tree point, define what is a tree-size/type, and (5) confusion in referencing sections. (submitted letter)

Brad Barnhorst, addressed small wind farms. He questioned (1) the 6-acre minimum requirements, (2) the height of the windmills-should be gaged according to the location (3) no mention of a backup power source when there is no wind, and (4) if there is a backup what would it be and how would it be stored.

Philip Canterino, County Legislator, inquired if there is a formula solar companies use to determine the remediation cost? Make sure the land owner isn't liable for clean-up costs since the cost of salvage has depreciated and could be worthless.

Ron Myruski, Questioned farm land subdivision and classifications. When you decommission the solar farm,

the subdivision classification should return to the way it was. If a 5 year roll-back (agriculture) was paid out, then it should be returned as part of the decommissioning process. The land is brought back to farming and there should be no penalty. He believes the proposed law is a great beginning. He also cautioned to carefully read the fine print on solar contracts.

Attorney Golden stated that there is nothing the Town can do to change the agriculture district exemptions in our Local Law. That section is governed by the State of New York.

A meeting between Supervisor Bloomfield, Dennis Lindsay, P.E. and Neal Halloran, Building Inspector will be scheduled to review what changes, if any, are to be made in response to tonight's comments and submissions. Presenting a revised draft will start the 7-day clock before we can accept Local Law #4. The moratorium ends on September 6<sup>th</sup>. If the revised draft isn't ready by the 25<sup>th</sup> of August, the moratorium will have to be extended.

Councilman VanDerMolen made the motion to close the public hearing on Local Law # 4 of 2016 – Chapter 97, Wind and Solar Energy Systems. Councilwoman Gallo seconded the motion.

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

**2. DISCUSS AND APPROVE REQUEST BY CATHOLIC CHARITIES OF ORANGE AND SULLIVAN COUNTIES TO HOLD THE FALL FOLIAGE BIKE TOUR SUNDAY, SEPTEMBER 18, 2016. THE ROUTE IS THE SAME ONE AS LEAST YEAR.**

The annual Orange County Country Roads Fall Foliage Bike Tour will take place on Sunday, September 18, 2016. This event will begin and end at the Warwick Town Park. There are four different routes of 10, 25, 42 and 66 miles to choose from. Some of the routes are in the Town of Goshen. Catholic Charities Community Services of Orange County, the beneficiary of this event, is seeking permission to traverse routes located within the Town of Goshen. The insurance certificate of coverage has been reviewed and approved.

Councilman Newbold made the motion approving the request from Catholic Charities to traverse mapped routes within the Town of Goshen. Councilwoman Gallo seconded the motion.

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

**3. DISCUSS AND APPROVE REQUEST TO HOLD THE 29<sup>TH</sup> TOUR DE GOSHEN ON SUNDAY, AUGUST 21, 2016.**

Motion was made by Councilman Newbold, seconded by Councilwoman Gallo.

Discussion: Councilman Lyons noted that the Hold Harmless agreement amounts do not match the certificate of liability insurance coverage. The insurance certificate and the Hold Harmless agreement will be sent back for revisions. Councilman Newbold withdrew his motion.

**4. REVIEW REQUEST BY THEODORE EPIDY TO IMPOSE A FIVE (5) TON WEIGHT LIMIT ON DURLAND ROAD. SEE ATTACHED REQUEST.**

Supervisor Bloomfield received a letter from Theodore Epidy, a resident of Durland Road. He is requesting a weight limitation to be imposed on Durland Road to a maximum of 5 tons. The road is populated with many children/school bus stops. It is narrow and not engineered to handle constant commercial traffic nor was a small bridge over that road. Heavy commercial dump trucks and tractor trailers use the road as a shortcut to Route 94 from Route 17A and visa versa. Supervisor Bloomfield spoke with Highway Superintendent Knoell who is in agreement to lower the weight limit. A local law will be prepared to address the issue.

**5. DISCUSS AND PASS UPDATED RESOLUTION REGARDING SETTLEMENT OF TURI TAX CERTIORARI.**

Attorney Caplicki noted this settlement is the same as the previous one except for minor grammatical corrections, punctuation and a fifty-cent (50¢) correction.

**TOWN OF GOSHEN  
RESOLUTION**

**Settling of Tax Certiorari Claims;  
AL TURI LANDFILL, INC.**

**Section-Block-Lot (Per Attached Schedule.)***Copy in Clerk's Office*

INTRODUCED BY: Councilperson Kenneth Newbold

SECONDED BY: Councilperson Melissa Gallo

DATED: August 8, 2016

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 8<sup>th</sup> day of August, 2016;

WHEREAS, claimant, AL TURI LANDFILL, INC., having commenced tax certiorari proceedings against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for the 2000 through 2016 assessment years bearing Orange County Index Numbers 4564-00, et seq.;

WHEREAS, it appears from the recommendations of the Arnold Silver, Town Assessor, Dennis P. Caplicki, Esq. and Robert M. Rametta, Esq., Counsel for the Town of Goshen in the aforesaid proceedings, 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, AL TURI LANDFILL, INC., is willing to settle these proceedings without interest, costs or disbursements, in the following manner: As set forth in annexed Final Order and Judgment;

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

RESOLVED, that the Assessor of the Town of Goshen and Dennis P. Caplicki, Esq. 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;

Discussion: Councilman Lyons asked for clarification of Schedule B in the settlement. He also asked for the definition of Schedule A Index numbers assigned to the case/years/parcels. On page 7, he questioned the availability of monies pertaining to the reclamation bond with the DEC-State on NY. Councilman Newbold believes the Al Turi Landfill lawsuit has been going on since 1998.

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 of 5 to 0.

**6. SET PUBLIC HEARING REGARDING FRONTIER APPLICATION TO THE NYS PUBLIC SERVICE COMMISSION FOR A FRANCHISE TO PROVIDE CABLE TELEVISION SERVICE IN THE TOWN OF GOSHEN.**

Councilwoman Gallo made the motion to set the public hearing for the Frontier application to NYS Public Service Commission for a cable television franchise on September 25<sup>th</sup> at 7:30pm, 41 Webster Avenue. Councilman Lyons seconded the motion.

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

**7. FINANCE:**

Councilman Newbold made the motion to authorize the Supervisor to pay Manual A/P runs as of June 30, 2016 in the amount of \$153,569.73 and Manual A/P runs as of July 31, 2016 in the amount of \$34,200.93. Councilman Lyons seconded the motion.

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

**EXECUTIVE SESSION:**

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

1. Review P.D. Personnel Case Dealing with Discipline & Litigation

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

**ADJOURNMENT:** 8:55PM

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Priscilla Gersbeck, Town Clerk