

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

August 13, 2020

MINUTES

A meeting of the Town Board of the Town of Goshen was held on the 13th day of August, 2020 at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York via videoconference due to the recent Covid-19 pandemic.

Present:	Douglas Bloomfield	Supervisor
	Philip Canterino	Councilmember
	Richard Florio	Councilmember
	George Lyons	Councilmember
	Kenneth Newbold	Councilmember

Also Present:	Richard Golden	Attorney for the Town
	Sean Hoffman	Town Engineer
	Priscilla Gersbeck	Town Clerk
	Mary Riso	Clerk to the Supervisor

**CALL TO ORDER**

The meeting was called to order by Supervisor Bloomfield at 7:30 pm. Seconded by Councilperson Newbold. Motion carried.

Supervisor Bloomfield changed the order of the agenda to address item #4 under Old Business at this time.

**OLD BUSINESS:**

- 4. Information: A response was developed and forwarded to the NYSDEC regarding the items requested in the violation notice for the June 14<sup>th</sup> Hambletonian sewer spill (see attached).**

Sean Hoffman, P.E. reviewed events which occurred at the Hambletonian Park Wastewater Pump Station (WWPS) beginning June 14, 2020. In summary: On June 14, 2020 a sewage discharge was observed at the Hambletonian Park WWPS. A local emergency response contractor, TAM Enterprises Inc., was contacted and a Vac-Con vacuum truck was sent to the site. Within twenty +/- minutes the discharge was discontinued. On June 15, 2020 the Town's contract operator, JPK Environmental, Inc. submitted the required Report of Noncompliance Event to NYSDEC with further details. The original cause of the event was diagnosed as failure of a 10-amp circuit breaker within the electronic control panel due to a power surge. Upon further consideration, it was determined the WWPS experienced a phase loss from the O & R distribution system. Under phase loss conditions, pump motors and other three phase equipment draw excessive current on the remaining phases which may cause equipment overheating. On June 14<sup>th</sup> the 10-amp control breaker was replaced with a new 15-amp breaker. The new 15-amp control breaker has operated for approximately six weeks without any power fault alarms. Also, the Town installed a temporary diesel bypass pump and a new relay to monitor control circuit power to provide additional system redundancy. The Town has requested TAM to measure current on the existing control breaker under various operational scenarios to verify continued operation. The Town has requested ORU to consider installation of a recording amp meter on both the utility service and within the pump station.

The NYSDEC Inspection Report of the Hambletonian WWPS indicated a marginal rating. The Town was instructed to implement two corrective actions. The first was to evaluate incoming electric service to determine the source of the problems and secondly, the Town must evaluate the design of the culvert to

see if it is appropriate for its use and evaluate its integrity against a dye test or other approvable methods. The Town contracted with TAM to perform a closed circuit television inspection of the storm drain. The test revealed the drain to be in satisfactory condition except for a portion 123-linear feet from the inlet to approximately the 160-linear feet. It appears this portion no longer serves the purpose it was intended for. The Town Highway Department will remove the drain.

[A more detailed description of Sean Hoffman, P.E. report to the NYS DEC regarding the Notice of Violation at Hambletonian Park WWPS can be found in the Clerk's Office.]

#### **NEW BUSINESS:**

1. Discuss proposed Town of Goshen introductory Local Law #2 of 2020, a "local law adopting a moratorium on energy storage facilities." If passed, this local law will require a public hearing and GML 239 review.

Attorney Golden explained this addressed a facility that stands alone which had not been considered when the Zoning Law went into place. This puts a full stop in energy storage facilities to give the Town time to address various issues.

### **TOWN OF GOSHEN INTRODUCTORY LOCAL LAW No. 2 OF 2020**

#### **A LOCAL LAW ADOPTING A MORATORIUM ON ENERGY STORAGE FACILITIES**

BE IT ENACTED by the Town Board of the Town of Goshen, Orange County, New York as follows:

##### **SECTION 1. PURPOSE AND INTENT.**

The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Town of Goshen and to maintain the *status quo* as to certain land uses related to energy storage facilities, as the present zoning regulations in the Town do not adequately address these types of uses. The moratorium will stop the processing of applications for, and the issuance of any permits, certificates of occupancy and approvals for energy storage facilities. The moratorium is for a period of three (3) months, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Goshen Zoning Code concerning this use.

##### **SECTION 2. LEGISLATIVE FINDINGS.**

The Town of Goshen Town Board does hereby find that without a temporary halt on the processing, permitting, and approvals for energy storage facilities, there is the potential that such uses could be located in unsuitable areas within the Town and/or on particular lots without adequate dimensional regulations in place. The potential for the unsuitable location of, and lack of proper dimensional regulations for, such uses would have materially adverse and irreversible impacts on the Town.

The Town Board also finds that it is in need of time to perform the necessary analysis of the potential types of energy storage facilities, that could be located in the Town. By maintaining the *status quo* regarding such uses the Town Board can provide for the planned orderly growth and development of the Town.

##### **SECTION 3: MORATORIUM IMPOSED; APPLICABILITY**

For a period of time of three (3) months following the effective date of the adoption of this Local Law no application may be processed, and no permits, certificates of occupancy, approvals, denials, determinations or interpretations may be issued or granted for energy storage facilities.

The term “energy storage facilities” shall be broadly construed to include any facility designed to store electric power to be marketed, sold or used for other than the power demands of the improvements on the property on which such facility is located, including discrete, stand-alone facilities, and facilities that are more than a small, incidental component of a land use application as determined by the reviewing board or official. Not included within the scope of this moratorium are energy storage facilities designed to store electric power solely for the use of the improvements located on the same property.

This Local Law shall be binding on the Town Board, Planning Board, Zoning Board of Appeals, Building Inspector, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy or approval in the Town of Goshen.

During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of Goshen Code. During the period of the moratorium, no applications will be accepted, nor permits, certificates of occupancy or approvals issued, which would authorize development within the Town for energy storage facilities, as described above.

#### SECTION 4: TERM

This moratorium shall be in effect for a period of three (3) consecutive months from its effective date.

This Local Law shall be subject to renewal for a cumulative period of up to an additional six (6) months, if necessary, by Resolution(s) of the Town Board.

#### SECTION 5: EFFECT ON OTHER LAWS

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law ordinance, rule or regulation.

#### SECTION 6: WAIVER

Owing to the limited scope and duration of this moratorium, there is no provision being made in this Local Law for any waivers to its applicability. However, the Town Board may, but is not obligated to, promulgate regulations by a Resolution of the Board authorizing a hardship waiver process to this moratorium.

#### SECTION 7: SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

#### SECTION 8: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with New York Municipal Home Rule Law.

Supervisor called for comments:

Councilperson Canterino noted this will be a big project and 3 months isn't enough time to cover all of the issues. He prefers for the moratorium to be extended to 6 months. The moratorium can be ended at any time.

Councilperson Lyons referenced Section #3. Are the Solar Farm applications requiring energy storage facilities to be included in this moratorium? Ans: It depends, not included within the scope of this moratorium are energy storage facilities designed to store electric power solely for the use of the improvements located on the same property.

Councilperson Lyons made the motion under SEQRA to type the action as Type II, to hold a Public Hearing on September 24, 2020 for the Introductory Local Law No. 2 of 2020 "A Local Law Adopting a Moratorium on Energy Storage facilities" and modifying the effective period from three consecutive months to six consecutive months with the additional six months. Councilperson Newbold seconded the motion.

Upon Roll Call Vote:

Supervisor Douglas Bloomfield	<u>AYE</u>	Councilmember Richard Florio	<u>AYE</u>
Councilmember Phil Canterino	<u>AYE</u>	Councilmember Kenneth Newbold	<u>AYE</u>
Councilmember George Lyons	<u>AYE</u>		

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

**2. Review and approve a "reformatted" Town of Goshen/Chester Dial-A-Bus System Safety Program Plans (SSPP).**

Basically, this is the same Public Transportation Safety Plan as before. It has been reformatted by the consulting firm of Cambridge Systematics, Inc. per NYSDOT requirements. Our Town of Goshen/Chester Dial-A-Bus consists of one bus operated daily, with one spare. It operates 7:30Am to 5:30PM, Monday through Saturday. Approximately 49% of the passengers are Senior Citizens. In 2019 the fleet travelled 38,213 miles and transported 6,471 passengers.

Councilperson Canterino made the motion to accept the reformatted Town of Goshen/Chester Dial-A-Bus System Safety Program Plans and authorize the Supervisor to sign the same. Councilperson Florio seconded the motion.

Upon Roll Call Vote:

Supervisor Douglas Bloomfield	<u>AYE</u>	Councilmember Richard Florio	<u>AYE</u>
Councilmember Phil Canterino	<u>AYE</u>	Councilmember Kenneth Newbold	<u>AYE</u>
Councilmember George Lyons	<u>AYE</u>		

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

**3. Information: The 33<sup>rd</sup> Tour de Goshen will not take place this year as in the past. There will not be organized day of riding. Instead, riders will continue to ride when and wherever they want as many have been doing during the pandemic.**

As stated, for information only.

**4. Review and approve a request by the Budget Officer to purchase one exchange server for e-mail services at a cost not to exceed \$3,699.20.**

The Town has been having problems regarding e-mail services with Network Solutions. Our IT provider suggested to have an e-mail server in house.

Councilperson Florio made the motion to authorize the Budget Officer to purchase one in house e-mail server through VLA Exchange in the amount of \$3,699.20. Councilperson Newbold seconded the motion.

Upon Roll Call Vote:

Supervisor Douglas Bloomfield	<u>AYE</u>	Councilmember Richard Florio	<u>AYE</u>
Councilmember Phil Canterino	<u>AYE</u>	Councilmember Kenneth Newbold	<u>AYE</u>
Councilmember George Lyons	<u>AYE</u>		

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

**OLD BUSINESS:**

1. **Information: MVP Medical Policy has been signed and goes into effect September 1, 2020. New cards will be issued to participating employees by the end of August.**

As stated, for information only.

2. **Information: Town of Goshen/Chester Dial-A-Bus successfully resumed operation on 7/28/2020 with an abbreviated schedule: 9:00am to 4:00pm, Tuesday, Thursday and Saturday. For personal safety a maximum of 7 passengers plus driver is allowed. Progress will be evaluated in two weeks for possible expansion of the service.**

A stated, for information only.

3. **Review and approve virtual meeting minutes for Town Board meetings held on 3/30, 4/23, 5/14, 5/28, 6/11, 6/25, 7/9 and 7/23.**

Councilperson Newbold made the motion to accept the minutes as presented and corrected for 3/30, 4/23, 5/14, 5/28, 6/11, 6/25 and 7/23. Councilperson Lyons seconded the motion.

On a Voice Vote:	5 AYES	Supervisor Bloomfield	Aye
		Councilperson Canterino	Aye
		Councilperson Lyons	Aye
		Councilperson Newbold	Aye
Motion Carried.		Councilperson Florio	Aye

Councilperson Newbold made the motion to accept the minutes for 7/9. Councilperson Florio seconded the motion.

On a Voice Vote:	4 AYES	Supervisor Bloomfield	Abstain
		Councilperson Canterino	Aye
		Councilperson Lyons	Aye
		Councilperson Newbold	Aye
Motion Carried.		Councilperson Florio	Aye

5. **Review and discuss an amendment to the conservation easement for Davis Solar and authorize the Supervisor to sign the same. The Army Corps of Engineers has required the conservation easement to be enlarged by an additional 0.453 acres which is accomplished by this amendment.**

This is the same Conservation Easement Agreement to include an increase in the size of the Easement Property by an additional 0.453 acres ("Protected Property"). Grantor has agreed to provide the protections contained for the Protected Property in connection with certain on-site wetland mitigation required by the U.S. Army Corps of Engineers.

