

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

August 22, 2019

MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 22nd day of August, 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:	Ashley Torre, Esq.	Attorney
	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)**

**D. REPORTS**

**Councilperson Gallo** reported the Joint Recreation Committee did not meet in August. The camps wrapped up with a great season. Signs have been posted near the stream at Craigville Park informing the public of possible e. coli contamination. Currently planning information and designs are coming in for the skate park project.

**Councilperson Lyons** read the report submitted from Highway Superintendent Broderick Knoell as follows:

**Highway Department Report – July and August 2019**

- 1. The Fibermat installation was completed on Phillipsburg, Cheechunk, and Gate School Roads by the Gorman Group out of Amsterdam NY.*
- 2. Catch basin repairs were completed along Yankee Maid Lane and Florican Lane in preparation of paving.*
- 3. Catch basin repairs were also completed on Cherrywood (2), Old Minisink, Lakeview, Sherry Lane (2), Angela's Way, White Tail, and Virginia Lane.*
- 4. The sweeper and the road mower have gone out most days this month. The sweeper had a lot of work in removing the loose 1/4" stone left after the Fibermat process.*
- 5. A rotten driveway pipe was replaced on Old Chester Road along with (3) on Coleman Road.*
- 6. Keyways were cut with Tilcon on Lower Reservoir and Hasbrouck Roads prior to paving. Seven (7) keyways in all were necessary.*
- 7. Reclamation Inc. milled the portion of Yankee Maid Lane and Florican Lane prior to paving. A little more than a thousand tons of millings were removed during this process.*
- 8. The Village of Goshen helped us by providing a skid steer with milling attachment and operator to cut keyways on Big Island, Wisniewski, and Sunset Court prior to paving.*
- 9. The Village of Goshen also assisted us by providing two (2) dump trucks when Yankee Maid and Florican were milled.*
- 10. Patching with hot asphalt was accomplished at multiple locations during the last two (2) months.*

11. *Several days were spent back blading the item 4 on Indiana Road. This helps in smoothing out the wash boarding and pot holes that occur on this stone road.*
12. *After completing the catch basin repairs on Sunset Court, all catch basins were cleaned and vacuumed out.*
13. *Reclamation Inc. performed full depth reclamation of Big Island, Wisniewski (partial), and Sunset Court. For Sunset Court approximately 1400 tons of asphalt and sub-base materials were removed from the site.*
14. *Paving was completed by Tilcon on Lower Reservoir, Hasbrouck, Yankee Maid (partial), Florican, Big Island, Wisniewski, and Sunset Court. In all 3.6 miles of road were paved with approximately 6,500 tons of asphalt.*

**Councilperson Newbold** complimented our Highway Dept. employees for working with asphalt in the extreme heat. He visited the office Senator James Skoufis for an update on grant(s) for the Town Hall windows and roof.

**Councilperson Van Der Molen** reported the Senior Commission submitted their 2020 budget to our Finance Dept.

**Supervisor Bloomfield** stated there was an electrical/mechanical failure this morning of both sewer pumps in Hambletonian Park. The spill was reported to the DEC. TAM Enterprise came out to clean up the area and replace the equipment. I am asking the Water Dept. for an investigation as to what caused this failure; was it a power surge or a lightning strike. Also to set-up a redundant system so that if the first one doesn't work, the second system will kick in.

On a second note, at a meeting on Monday, Holt Construction said they would probably be finished by late October replacing the entire existing sanitary force main in Arcadia Hills and putting it on line. It is approximately 7,200 linear feet or 1.36 mile long pipe.

#### **E. OLD BUSINESS:**

1. **DISCUSS AND SCHEDULE A SPECIAL MEETING TO CONDUCT A JOINT PUBLIC HEARING WITH THE PLANNING BOARD SEPTEMBER 5, 2019 AT 7:30PM REGARDING SITE PLAN AND SPECIAL PERMIT APPLICATION OF SOUTH GOSHEN SOLAR, LLC.**

Councilperson Gallo made the motion as stated above. Councilperson Lyons seconded the motion.

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

2. **INFORMATION: RECEIVED GRANT CHECK FOR \$92,454.63 FROM DASNY FOR REPAVING THE TOWN HALL PARKING LOT. IT COST THE TOWN TAXPAYERS \$17,454.63 OR 18.9 PERCENT OF THE TOTAL EXPENDITURE.**

As stated, for information only.

3. **INFORMATION: THE TOWN SEWER OPERATIONS WAS AUDITED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) ON AUGUST 12<sup>TH</sup>. THE TOWN RECEIVED POSITIVE COMMENTS FOR OUR ON-GOING EFFORTS TO REHAB SEWER LINES, SANITARY MANHOLES, AND REPLACEMENT OF SEWER PUMPS (4) AND INSTALLATION OF A NEW ARCADIA HILLS FORCE MAIN (7200 FEET OR 1.36 MILES). ON THE NEGATIVE SIDE, THE TOWN IS BEING ASKED TO DEVELOP WRITTEN PROCEDURES FOR OPERATION AND MAINTENANCE OF OUR SANITARY SEWER SYSTEMS.**

As stated, for information only.

**F. NEW BUSINESS:**

- 1. DISCUSS AND ACCEPT THE RESIGNATION OF STEPHANIE M. COCKBURN, CONFIDENTIAL SECRETARY TO THE TOWN OF GOSHEN POLICE CHIEF.**

Councilperson Van Der Molen made the motion to accept the resignation of Stephanie M. Cockburn, confidential secretary to the Town of Goshen Police Chief, effective August 18, 2019. Councilperson Newbold seconded the motion.

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

- 2. AUTHORIZE THE SUPERVISOR TO PROCESS A \$150.00 CONTRIBUTION TO THE ORANGE COUNTY VOLUNTEER RECOGNITION PROGRAM. WE ARE FORTUNATE TO CURRENTLY HAVE 570 VOLUNTEERS WHO CONTRIBUTE 46,500 HOURS OF COMMUNITY SERVICE TO OUR COUNTY.**

Councilperson Newbold made the motion to authorize the Supervisor to send a \$150.00 contribution to the Orange County Volunteer Recognition Program. Councilperson Gallo seconded the motion.

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

- 3. DISCUSS A REQUEST BY MR. & MRS. DELAURENTIS, 53 LAUREL CIRCLE, TO FORGIVE PART OF THE LAST SEWER BILL: A WATER HOSE IN THE BACK YARD WAS UNINTENTIONALLY LEFT ON AND RUPTURED WHILE THEY WERE ON A 7 DAY VACATION. THE LEAKING WATER DID NOT GO INTO THE SEWER.**

Upon reviewing the first quarter and second quarter (leak) water/sewer meter reading, discussion determined to forgive \$400.00.

Councilperson Gallo made the motion to forgive \$400.00 on the water/sewer bill. Councilperson Lyons seconded the motion.

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

- 4. INFORMATION: SEAN HOFFMAN, H2M ENGINEERING, HAS MADE A REQUEST TO START DESIGNING FOR REPLACEMENT OF THE ARCADIA HILLS WATER STORAGE TANK, TO INCLUDE SURVEYING THE PROPERTY WHERE IT IS TO BE LOCATED. THIS PROJECT WAS DISCUSSED AND APPROVED IN OUR ANNUAL (APRIL 23, 2019) WATER/SEWER CAPITAL BUDGET REVIEW.**

Sean Hoffman, PE. inspected the water tank in Arcadia Hills and determined this tank is near the end of its life. He doesn't want to wait until it ruptures. His recommendation is to replace the tank on the Town's existing lot. The expenditure has been approved.

- 5. DISCUSS AND APPROVE MOTION TO INITIATE THE BIDDING PROCESS TO LINE SANITARY SEWER LINES IN HAMBLETONIAN PARK AND ARCADIA HILLS SEWER DISTRICTS. (SEE MEMO FROM SEAN HOFFMAN REGARDING THE PROPOSED SCHEDULE).**

Sean Hoffman, PE. submitted a memo outlining the bidding & construction schedule for rehabilitation of existing sanitary sewers within both the Arcadia Hills and Hambletonian Park Sewer Districts. This will consist of a trenchless rehabilitation of existing sewers through the installation and curing of a liner within each sewer segment to reduce infiltration and inflow. This project was approved in the April 23, 2019 Water/Sewer Capital Budget review.

Councilperson Newbold made the motion to authorize Sean Hoffman, PE, Consulting Engineer to initiate the bidding process for above-said project. Councilperson Lyons seconded the motion.

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

**6. DISCUSS REQUEST BY ELLYN SULLIVAN TO PROCESS AND APPROVE A RESOLUTION IN SUPPORT GOSHEN CITIZENS TO OPT OUT OF SMART METER INSTALLATION BY ORANGE AND ROCKLAND UTILITIES WITHOUT BEING SUBJECT TO PENALTIES OR FEES.**

Supervisor Bloomfield received a public announcement from Orange & Rockland Utilities, Regional & Community Affairs Manager. In the letter is noted, "To date, we have installed approximately 41,000 electric smart meters in Orange and Sullivan counties". One complaint was received from Ellyn Sullivan. She is concerned about how smart meters can effect a person's health. To date there is no documentation if smart meters can or cannot affect people who are currently ill or get ill from the placement of smart meters. Orange & Rockland will charge \$10.00 per month (\$120 per year) opt-out fee for those who do not want the smart meters. The following is a proposed resolution in connection with the Town petitioning the PSC to order O & R to allow customers in the Town of Goshen to retain Non-AMI or Non-AMR meters without any penalties or fees.

Councilperson Newbold made the motion for discussion on a resolution to allow people to opt out of smart meter installation without being subject to penalties or fees. Councilperson Lyons seconded the motion.

Discussion:

Councilperson Newbold heard from people who would like to have been notified in advance that their smart meter was being installed. He hasn't seen any research regarding health effects from smart meters. Supervisor Bloomfield questioned wording (has serious concerns) in paragraph #5.

Councilperson Lyons researched the internet finding there is a cover available to reduce the amount of radiation emitted from smart meters. He believes the people should have the right to choose not to have a smart meter and not to be charged a monthly fee.

TOWN OF GOSHEN  
County of Orange, State of New York  
RESOLUTION

**Petitioning the New York State Public Service Commission to Order Orange and Rockland Utilities, Inc. to Allow Customers Located within the Town of Goshen to Retain Non-AMI or Non-AMR Utility Meters without any Fees or Penalties**

INTRODUCED BY: Councilperson Kenneth Newbold

SECONDED BY: Councilperson George Lyons

DATED: August 22, 2019

WHEREAS, on November 14, 2014, Orange and Rockland Utilities, Inc. ("O&R") filed with the New York State Public Service Commission ("PSC") Revised Tariff Leaves setting tariff fees related to electricity and gas service for residential customers who choose to opt-out of using Automated Meter Infrastructure ("AMI") and Automated Meter Reading ("AMR") devices;

WHEREAS, the revised Tariff Leaves further state that the proposed tariffs would allow residential customers to opt-out of using AMI devices and instead elect to have O&R install and maintain non-AMI or non-AMR devices, such as Analog Meters, and manually read these meters through bi-monthly in-person meter readings; and

WHEREAS, the O&R AMI and AMR Opt-Out tariffs state that an existing customer receiving service through a non-AMI or non-AMR (e.g. analog utility meter) equipped meter may execute and submit an Application to request that service be continued through a non-AMI or non-AMR equipped meter, and that the customer will not be subject to a meter change fee, but will instead be subject to a monthly non-AMI or non-AMR service fee; and

WHEREAS, the O&R AMI and AMR Opt-Out tariffs state that an existing customer receiving service through an AMI or AMR equipped meter may execute and submit an Application to request that service be continued through a non-AMI equipped meter, but that the customer will be subject to the a meter change fee and a monthly non-AMI or non-AMR service fee; and

WHEREAS, the Town Board of the Town of Goshen, as the result of recent information related to the potential effects of chronic exposure to wireless radiofrequencies radiation, has serious concerns related to the potential health impacts of AMI and AMR meters on residents of the Town of Goshen; and

WHEREAS, it is the intention of the Town Board of the Town of Goshen, through this petition, to request the PSC to allow residents in the Town of Goshen to retain their existing Analog Utility Meters in the interest of public health, safety and welfare; and

WHEREAS, for the purposes of this Resolution, the following terms shall have the meanings hereinafter defined: "Utility Consumer" shall be defined as a O&R electric ratepayer, including, but not limited to renters, business owners and consumers. "Electro-Mechanical Analog Utility Meter" shall be defined as a device that measures the amount of electrical energy consumed by a residence, business or an electrically powered device which operates by counting the revolutions on a non-magnetic, but electrically conductive, metal disc that rotates at a speed proportional to the power passing through the meter. This device is purely mechanical and uses no electronic components, no switch mode power supply, no transmitter, no antenna and no radio frequency emissions.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Goshen hereby petitions the New York State Public Service Commission, by sending this Resolution, to request the following relief:

1. O&R shall provide Utility Consumers in the Town of Goshen with a 90-Day written notice in advance of installing any type of digital meter at no additional charges to said Utility Consumer, monthly or otherwise.
2. O&R shall fully inform Utility Consumers in the Town of Goshen of their right to participate in the OptOut program, which will allow said Utility Consumers to retain their Electro-Mechanical Analog Meters.
3. O&R shall allow Utility Consumers in the Town of Goshen who decide to participate in the Opt-Out program to retain their installed Electro-Mechanical Analog Meters and said Utility Consumers shall not be subject to the one-time meter change fee nor the month non-AMI or non-AMR service fee.
4. O&R shall offer to Utility Consumers in the Town of Goshen Electro-Mechanical Analog Meters as a replacement for previously installed AMI and AMR meters and said Utility Consumers shall not be subject to the meter change fee or a monthly non-AMI and non-AMR service fee.

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>		

Resolution carried by a vote of 5 to 0.

## G. FINANCE:

Councilperson Van Der Molen made the motion to authorize the Supervisor to pay Accounts Payable check run for 8/22/2019 in the amount of \$100,045.64. Councilperson Newbold 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

**Debra Corr** has taken offense to Supervisor Bloomfield's insinuation that farms contribute to contamination by spreading manure. She continued on with an observation that the sewer lines are being dug up along Craigville Road. There is obviously a problem with the sewer line across from the park. Response: Supervisor Bloomfield stated he was not picking on farms or any specific farm. He stated that there are only 2 operating farms left from 150 farms when he was growing up. The County is digging up the sewer line all along Craigville Rd. to replace a box culvert larger than the current one. Secondly, there is no leak in the sewer pump station.

She had a conversation with a farmer on Pulaski Highway. He was concerned that this is the time of year the onions are harvested and slow moving farm equipment will be traveling along Pulaski Highway. Is there anyway more Police presence can traverse Pulaski Highway to keep the speeders in check. Response: This will be passed along to our Police Chief.

On another note, when the water storage tank is replaced in Arcadia Hills will any of that supply Legoland? Response: no, strictly for Arcadia Hills. Will there be more police for Legoland? Response: The corporate office requested for one patrol during certain times of the day. They will pay for that patrol officer. The information was passed along. They may never use our officer, because this is from the corporate level, not the Legoland office.

**Sandra Rothenberger** referenced the replacement of 7200 feet of the Arcadia Hills force main – was this the one Legoland broke? Response: Yes, broke in two places. Five years ago there were 15 breaks. The line has been deteriorating and will have to be replaced. Negotiations with Legoland resulted in them replacing the Arcadia Hills sewer line, at their cost, as they install their own sewer line. She also asked why we didn't have written *daily* procedures requested by the EPA, to operate and maintain the sanitary sewer system. Response: This has been a problem nation-wide. The EPA is now tightening up procedure requirements for everyone. We are re-lining the sewer pipes in Arcadia Hills and Hambletonian Park to prevent infrastructure breaks. We hired an engineering firm to locate where the sewage in the stream at Craigville Park is coming from. She referenced a notice in the Times Herald Record that Legoland has and will continue to disturb more wetlands and will impact historical/archaeological sites to complete their bridge overpass. She is appalled how Legoland is destroying everything that means Goshen. Also noted a construction truck almost ran Sandra off the road. The construction trucks have no courtesy. Response: this will be mentioned to the Building Office/meeting.

**Chris Pskowski** – Gate School House Rd. repeated his frustration with LaColina's continuance to hold various types of events. His primary grievance is that the Town Board, to date, has continued to do nothing to stop LaColina from scheduling future events. His conversation with the Board of Health Dept. indicated that they have not issued permission for LaColina to publically prepare/serve food. Mr. Pskowski has photos of activity associated with LaColina holding events. His opinion is that LaColina has shown a lack of respect not only to the Town Board, Planning Board, but for the Town Code which governs the Town. He also seeks clarification over a determination that a tent is a structure. The Town Code states no *outside* amplified music. He had metered decimal readings taken around 8pm showing 84 which is over the allowed 50.

Supervisor Bloomfield responded that our Attorneys have gone to court and Judge Onofry ruled there are to be no more weddings. If there are things you know that we don't know share the information with our Attorneys.

They will determine if there is proper documentation/violation to prove contempt of court.

Councilperson Lyons opinioned to legally shut them down until they comply with the Town laws.

Debra Corr opinioned the Town Board is playing the bad guy / good guy game. The Planning Board is rolling out the red carpet for LaColina.

Councilperson Gallo commented the Town Board is going through the correct legal procedures to resolve the issues

**I. ADJOURNMENT: 8:45 PM**

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

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Priscilla Gersbeck, Town Clerk