

**TOWN OF GOSHEN  
PUBLIC HEARING LOCAL LAW #2 OF 2015  
COMBINED WORK SESSION AND REGULAR MEETING  
December 21, 2015  
MINUTES**

A combined public hearing, work session and regular meeting of the Town Board of the Town of Goshen was held on the 21st day of December, 2015 at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present: Douglas Bloomfield Supervisor  
George Lyons Councilmember  
Kenneth Newbold Councilmember

Also Present: Richard Golden Esq. Special Counsel to Town Board  
Priscilla Gersbeck Deputy Town Clerk

**A. CALL TO ORDER**

The meeting was called to order by Supervisor Bloomfield at 7:31 pm, followed by the Pledge of Allegiance.

**B. AMENDMENT TO THE AGENDA**

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

None at this time.

**D. PUBLIC HEARING: LOCAL LAW #2 OF 2015**

Councilman Newbold made the motion to open the public hearing as published in the Independent Republican newspaper on December 9, 2015 and December 16, 2015, for Local Law #2 of 2015, *IMPOSING A MORATORIUM ON CERTAIN SOLAR ENERGY USES*. Councilman Lyons seconded the motion.

On a voice vote, the motion passed: 3 AYES Bloomfield, Lyons, Newbold  
0 NAYS

Supervisor Bloomfield introduced Attorney Richard Golden, who wrote this law, to give the public an overview of its intent. This moratorium pertains to certain solar facilities in the Town for processing future applications and obtaining building permits etc. It doesn't affect any current legally installed solar facilities or any going forward, generating electricity for improvements on a single property. It affects solar facilities which will generate in excess of what is needed for that property for purposes of sale/exportation to another facility. The moratorium is for an initial six months and the local law provides for an additional six months, if necessary.

This Local Law serves to protect the residents of the Town and to maintain the *status quo* as to certain solar energy uses. The present zoning regulations do not adequately address this type of use and its effect on the public health, safety and welfare of the residents. There is the potential for the unsuitable

location of, and lack of proper regulations, that could materially cause adverse and irreversible impacts. At the end of the moratorium, the Town will present a local law at a public hearing for comments.

Supervisor Bloomfield noted that the Town is not anti-solar power. In 2015 there were 99 permits for residential solar power installations at a value of \$2,485,897.35. The building permit fees totaled \$47,139.30.

Supervisor Bloomfield called for comments from the public.

Many farmers/ large land owners were hoping to cash in on the solar power industry. Experts from the industry and landowners spoke against the moratorium. No one spoke in favor of the moratorium. Landowners who spoke have been approached to lease acres for solar power production. The solar farms house a collection of photovoltaic and parabolic panels that convert sunlight to energy which is returned to the power grid. Professionals offered their time and assistance to expedite the process. Suggestions were made to use available resources of information/guidelines documented for solar companies. Time is of the essence to connect with Orange & Rockland insinuating that 6+ months is too long and opportunities will pass by. The public asked the Board members to “be reasonable” in their decision making process and to consider the “hardships” presented before them by imposing the moratorium.

Supervisor Bloomfield defended concerns of the Board members. *Some* of the issues are: product line manufacturing - possible flaws, installation security, maintenance of electrical lines to the site, abandonment, decommission process, bonding to protect the landowner, effects on the environment, safety precautions around children, negative impacts to neighborhoods and advances in solar technology. We will also look at solar power laws in other municipalities.

(With no further comments)

Councilman Newbold made the motion to close the public hearing for Local Law #2 of 2015.

Councilman Lyons seconded the motion.

On a voice vote, the motion passed: 3 AYES Bloomfield, Lyons, Newbold  
0 NAYS

Discussion:

**Councilman Newbold** agrees with the purpose of the moratorium to research if this will work on a “large scale”.

**Councilman Lyons** stated that the moratorium doesn’t have to be for six months. It can be of a lesser time. The Association of Towns has a lot of information. He obtained ordinances from four towns; Town of Geneva, Town of Cambria, Town of Johnstown and Town of Brookhaven which have recently passed local laws pertaining to solar energy systems. The town’s common concerns pertained to abandonment and decommission. Other issues were addressed and will serve as a guide to reference. “We are in favor of solar energy, but I clearly think that the Town needs a templet, a plan, that’s written down that you can look at, that I can look at, that the authorities can look at so that we can go forth”.

**Supervisor Bloomfield** “I am not against solar energy. I want to make sure the people, participating citizens have the best information to make a decision on. I want to make sure that it’s good for our community relative to public safety, the children and everything else that could be around these big fields.” “We have to zone it properly.” “We have to do a quality job for all the land owners and a quality job for the other people in our community.”

Councilman Lyons made the motion to adopt Local Law No. 2 of 2015. This Local Law institutes a moratorium on the processing of applications for, and the issuance of any permits, certificates of occupancy and approvals for certain land uses relating to solar energy, including but not limited to solar farms. The moratorium is for a period of six (6) months, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Goshen Zoning Code concerning this use. Councilman Newbold seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield AYE Councilperson, Kenneth Newbold AYE  
Councilperson, George Lyons AYE

Vote: Motion carried by a vote of 3 to 0.

**E. OLD BUSINESS:**

**1. INFORMATION: COUNTY OF ORANGE HAS SETTLED THE MTBE POLICE DRIVE WATER CONTAMINATION LAWSUIT WITH THREE FAMILIES INVOLVED. THE TOWN WILL NOW REQUEST REIMBURSEMENT FOR MONIES INVOLVED EARLY ON IN THE INVESTIGATION**

Supervisor Bloomfield gave a historical summary of the MTBE contamination. Orange County will pay \$1.5 million to three families who suffered with MTBE – polluted water since 1998. The County will also pay around \$300,000 to build a pipeline that will supply the families with clean water. We are grateful that this has been settled.

**2. REVIEW AND ACCEPT THE BID FOR SNOW PLOWING SERVICES**

Councilman Lyons made the motion to accept the bid of \$125 per hour for snow plowing services presented by TAM Enterprises. Councilman Newbold seconded the motion.

Discussion: TAM Enterprises was the only bidder. They provide their own truck.

On a voice vote, the motion passed: 3 AYES Bloomfield, Lyons, Newbold  
0 NAYS

**3. APPROVAL OF THE MINUTES**

Councilman Lyons made the motion to approve the minutes of work session on November 9, 2015, regular meeting on November 12, 2015 and combined work session/regular meeting on November 23, 2015. Councilman Newbold seconded the motion.

On a voice vote, the motion passed: 3 AYES Bloomfield, Lyons, Newbold  
0 NAYS

**F. NEW BUSINESS:**

**1. DISCUSS FUNDING APPROACH TO TOWN HALL ROOF REPAIR**

The town received the bill for restoring the Town Hall cupola which amounted to \$58,000. The grant covered \$50,000, we'll cover the \$8,000. There were several leaks caused by the cupola. However, our engineers have detected random leaks all over the roof. It was recommended to remove the entire roof and totally rebuild it. Hopefully, by this spring we will have a cost estimate along with the information to go out for bid.

**G. FINANCE:**

Councilman Newbold made the motion to authorize the Supervisor to pay Accounts Payable check run for 12/21/2015 amounting to \$101,933.73. Councilman Lyons seconded the motion.

On A Voice Vote, the motion passed:   3 AYES   Bloomfield, Lyons, Newbold  
  0 NAYS

**H. PRIVILEGE OF THE FLOOR**

Reynell Andrews inquired as to the status of the lawsuit pertaining to Moritz. The information can be obtained in the Clerk's office.

**I. ADJOURNMENT**

Time: 9:25PM

**EXECUTIVE SESSION:**

Councilman Newbold made the motion to enter into Executive Session to discuss the following:

1. AL TURI CERTIORARI LITIGATION STATUS UPDATE
2. P.D. GRIEVANCE
3. TOWN COURT PERSONNEL
4. PERSONNEL – PHILIP CANTERINO BACKFILL
5. P.D. CONTRACT ARBITRATION UPDATE
6. MORITZ LAWSUIT UPDATE

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

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Priscilla Gersbeck, Deputy Town Clerk

