

TOWN OF GOSHEN
TOWN BOARD MEETING

July 23, 2020

MINUTES

A meeting of the Town Board of the Town of Goshen was held on the 23rd day of July, 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
	Broderick Knoell	Superintendent of Highway
	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 Canterino. Motion carried.

NEW BUSINESS:

1. Presentation by Scott Connuck, East Point Energy, regarding a proposal plan to build a 20 MW electric storage facility at 32 Owens Road.

Scott Connuck, Project Developer for East Point Energy, LLC noted this is a Virginia - based battery storage development company. The battery systems store energy from the grid and release the electricity during "peak" demand periods. It is considered a "public utility" use opinioned by the Building Inspector in the Rural Zone with a Special Permit. The proposed site is to be located at the intersection of Cheechunk and Owens Road, namely 32 Owens Road (10-1-66). This facility would connect to the O & R substation located across the road. Plans include a 10-20 MW electric storage of 40-55 feet long containers which are 10' to 12' high on 1.5 acres of a 5 acre parcel. Three layers of vegetative buffering is planned for adequate year-round screening.

Jayne Guthorn, Development Engineer summarized a safety plan using the latest industry standards of fire preventative measures. Also there will be no environmental impacts. The batteries are (non-toxic) clean energy.

Some of the project benefits include increase in tax revenues, improve local electrical reliability and will have minimal impact to County-public services. The decommissioning cost and PILOT program will be discussed at a later date.

Councilmembers questioned how much experience is involved with this new technology, the physical location of the project, location to neighbors, the description of this project as a "public utility" and who is responsible for maintenance on this project.

2. Review and approve a plan by Broderick Knoell, Superintendent of Highway, to utilize CHIPS, Pave New York and Extreme Winter recovery funds soon to be granted by New York State.

Superintendent of Highway, Broderick Knoell presented his 2020 Road Improvement Summary: Revision #1 – July 23, 2020 and 2020 Agreement to Spend Highway Funds-Revision #1. The 2020 Town Road improvement fund is \$625,000.00 / 80% of 2020 CHIPS fund is \$115,866.65 / 80% of 2020 Pave NY is \$26,447.71 plus 80% of 2020 Extreme Winter Recovery is \$21,591.78 will provide the total revenue amounting to \$788,906.14. The 2020 planned expenditures is \$759,201.04 leaving a fund balance of \$29,705.10. The cost figures are reduced to 80% of the Budget revenue as a result of impacts from the Coronavirus.

Under General repairs, the sum of \$203,750.00 may be expended for general repairs upon 73.77 miles of town highways, including roads, culverts, and bridges, noted Mr. Knoell. [Details of the road improvement summary are in the Clerk's office].

Councilperson Canterino made the motion to accept the Road Improvement Summary, Revision #1 – July 23, 2020 and authorize the Superintendent of Highway to *Spend Highway Funds* – Revision #1 as presented. 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: An analysis of YTD mortgage tax receipts (A Fund) indicated the Town will meet or exceed the 2020 budgeted goal of \$330,000. (See attached analysis).**

As stated, for information only.

OLD BUSINESS:

- 1. Information: The Town of Goshen grant request for \$100,000 financial assistance for the Arcadia Hills Water Tank Project has been forwarded to the Dormitory Authority of the State of New York (DASNY). (See attached letter from NYS Senator Metzger's Office).**

As stated, for information only.

- 2. Review and approve a Board Resolution to secure a twelve month "Bond Anticipation Note" for the proposed Arcadia Hills water storage tank. Use of a BAN will allow the town to utilize the \$100,000 DASNY grant if authorized.**

The expense of improvement of facilities shall be financed by the issuance of \$700,000 bonds of the Town to finance the project and associated costs as stated.

In the Matter
of the
Increase and Improvement of Facilities of the Arcadia Hills
Water District, in the Town of Goshen, in the County of Orange,
New York, pursuant to Section 202-b of the Town Law

Offered by: Councilmember Philip Canterino

Seconded by: Councilmember Kenneth Newbold

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, the Town Board of the Town of Goshen (herein called the "Town"), in the County of Orange, New York, on behalf of the Arcadia Hills Water District, in the Town (herein called the "District"), has caused H2M Engineers + Architects, engineers duly licensed by the State of New York (the "Engineer"), to prepare a preliminary map, plan and report for the increase and improvement of facilities of the District, consisting of replacement of an existing water storage tank and ancillary and related work in connection therewith, as described in the map, plan and report prepared by the Engineer; and said map, plan and report have been filed with the Town Board and the cost thereof has been estimated to be \$700,000; and

WHEREAS, aid or grant funds may be received to pay a part of the cost of the project, and any aid or grant funds received are authorized to be used to pay part of the cost of the project or to pay debt service on any bonds or notes issued pursuant to this project; and

WHEREAS, on June 24, 2020 the Town Board adopted an Order describing in general terms the proposed increase and improvement of facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on July 9, 2020 at 7:30 o'clock P.M. (Prevailing Time) or as soon as possible thereafter; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held and conducted by the Town Board in substantially the manner provided in the Notice of such public hearing on July 9, 2020 at 7:30 P.M. (Prevailing Time), with considerable discussion on the matter having been had and all persons desiring to be heard having an opportunity to do so, including those in favor of and those in opposition to said increase and improvement of such facilities; and

WHEREAS, the Town Board, as lead agency, pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617, recognized that this is a SEQRA Type II action in accordance with 6 N.Y.C.R.R. § 617.5(c)(2), being a

replacement of a structure in kind, on the same site, and not meeting any thresholds in § 617.4, resulting in no further SEQRA review being required;

Now, therefore, on the basis of the information given at such hearing, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of \$700,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer heretofore retained by the Town Board shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of \$700,000 bonds of the Town to finance said appropriation; and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges. Water rents have been imposed and it is expected that such rents shall continue to be imposed and collected and the amounts derived therefrom shall be budgeted and used to pay principal and interest on the bonds or notes issued; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Orange County within ten (10) days after adoption thereof.

DATED: July 23, 2020

(SEAL)

TOWN BOARD OF THE TOWN OF GOSHEN

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

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>		

The Resolution and Order were declared adopted.

Part two, to actually approve the \$700,000 to finance the appropriation.

BOND RESOLUTION OF THE TOWN OF GOSHEN, NEW YORK,
ADOPTED JULY 23, 2020, APPROPRIATING \$700,000 FOR THE
INCREASE AND IMPROVEMENT OF FACILITIES OF THE ARCADIA
HILLS WATER DISTRICT, AND AUTHORIZING THE ISSUANCE OF
BONDS IN THE PRINCIPAL AMOUNT OF \$700,000 TO FINANCE SAID
APPROPRIATION

Offered by: Councilmember Richard Florio

Seconded By: Councilmember Kenneth Newbold

Recital

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of the Arcadia Hills Water District (herein called the "District"), in the Town of Goshen (herein called the "Town"), in the County of Orange, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF GOSHEN, IN THE COUNTY OF ORANGE, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$700,000 for the increase and improvement of facilities of the District, consisting of replacement of an existing water storage tank and ancillary and related work in connection therewith, as described in the map, plan and report prepared for the Town by the H2M Engineers + Architects. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof. The plan of financing includes the issuance of bonds in the principal amount of \$700,000 to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges. Water rents have been imposed and it is expected that such rents shall continue to be imposed and collected and the amounts derived therefrom shall

be budgeted and used to pay principal and interest on the bonds or notes issued. Aid or grant funds may be received to pay a part of the cost of the project, and any aid or grant funds received are authorized to be used to pay part of the cost of the project or to pay debt service on any bonds or notes issued pursuant to this project.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of \$700,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures incurred after the effective date of this resolution. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein

authorized, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized to publish the foregoing bond resolution, in summary, in the "*Independent*," a newspaper having general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Discussion: Councilperson Lyons questioned Section 3 (c) "The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years." He asked will this turn into a Serial Bond in the future? Our Bond Council representative Robert Smith of Hawkins Delafield & Wood LLP will be able to answer this question and to contact him.

The adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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>		

The Resolution was declared adopted.

- 3. Review and approve request by Christie Cavaliere, Town Budget Office, to dispose of obsolete and out-of-service computer equipment by utilizing the services of Newtech Recycling, Inc. (See attached list of equipment to be disposed of and information about Newtech Recycling, Inc.)..**

The Budget Officer presented an Inventory Summary totaling 143 items that will contractually be removed, the data wiped using electromagnetic field, to shred hard drives and recycle any usable parts.

Councilperson Lyons made the motion to authorize Christine Cavaliere, Budget Officer, to dispose of obsolete and out-of-service computer equipment by utilizing the services of Newtech Recycling, Inc. Councilperson Florio seconded the motion.

On a Voice Vote: 5 AYES

Supervisor Bloomfield
Councilperson Canterino
Councilperson Lyons
Councilperson Newbold
Councilperson Florio

Motion Carried.

- 4. Information: The 2021 Budget process has begun. Each department head has been contacted by Christine to complete their proposed budget input and to return it to her by August 7.**

As stated, for information only.

- 5. Information: Amy's Kitchen initiated a virtual conference yesterday to update town leadership on the status of current progress and future plans regarding their project.**

Update: the water & sewer lines to Middletown are completely installed. Phase one, plans for the factory building including the offices will be sent to our Building Office any day now. Next, they need Building Permits issued for the factory building by the 4th quarter of 2020.

- 6. Information: NY Transco has changed their mind of installing underground electric transmission lines from Middletown to Sugar Loaf while going through Goshen; they no longer need to do so and letters are being sent**

The proposed upgrade to electric transmission lines, NY Transco, would have run underground from Middletown to Sugar Loaf, passing through Goshen. After in-depth analysis, that project route has changed and are no longer proposed to run through Goshen.

FINANCE

1. Councilperson Newbold made the motion to authorize the Supervisor to pay Accounts Payable check run for July 23, 2020 in the amount of \$181,163.56. Councilperson Lyons seconded the motion.

On a Voice Vote: 5 AYES

Supervisor Bloomfield
Councilperson Canterino
Councilperson Lyons
Councilperson Newbold
Councilperson Florio

Motion Carried.

ADJOURNMENT: Time: 9:10pm

Councilperson Florio made the motion to adjourn to enter into Attorney Client meeting. Councilperson Lyons seconded the motion. Motion Carried.



Priscilla Gersbeck, Town Clerk