

**GOSHEN  
TOWN BOARD MEETING**

January 14, 2021

MINUTES

A meeting of the Town Board of the Town of Goshen was held on the 14th day of January, 2021 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 Esq.	Attorney for the Town
	Sean Hoffman, P.E.	Town Engineer
	Priscilla Gersbeck	Town Clerk
	Christine Cavaliere	Budget Officer
	Mary Riso	Clerk to the Supervisor

**CALL TO ORDER**

Councilperson Canterino motioned to open the meeting at 7:30pm and was seconded by Councilperson Florio. Motion carried.

Supervisor Bloomfield referenced communication regarding Lot 23 in A & L Acres. The developer installed a privately- owned catch basin and storm drain to collect stormwater. The storm drain crosses the adjacent subdivision lots and a portion encroaches into the Town's Pleasant Valley Rd. right-of-way. There are three homeowners who are supposed to sign the easement agreement. As of this meeting, one homeowner hasn't signed. See Attorney's response below.

**OLD BUSINESS:**

1. Discuss the following actions in regard to the A & L Acres Subdivision:
  - a. Resolution of acceptances of deed for Chiefs Way, Creamery Circle, Paradise Valley Lane and a strip of land along Houston Road and authorize the Supervisor to sign associated documents (refer to letter dates 1/11/2021 from Sean Hoffman, PE).

Attorney Golden recommended to continue with the resolution subject to the Attorney's review with respect to all of the proper paper work being in good order and signed appropriately. Attorney Golden reviewed the Resolution and the details of the Drainage Easement Agreement.

Sean Hoffman, PE, showed a map detailing the lots in question. He explained the location of the proposed private easements designed to relieve ponding which occurred during construction. Supervisor Bloomfield is concerned there is water runoff from BOCES onto Lot #23. This may be a problem in the future. Sean Hoffman pointed out this has been addressed by the developer who constructed a swale parallel along the back property line and a swale parallel to the side line near the catch basin.

Discussion: Councilperson Lyons believes the problem in Lot #23 is caused by BOCES. Sean Hoffman, PE noted that BOCES may have addressed this problem last August. He is unaware if there was any recent communication between the Building Inspector and BOCES to resolve the problem.

Councilperson Canterino asked that if a large quantity of runoff comes onto Lot #23, will the Town be dragged into litigation because of the approval. Answer: No.  
Councilperson Florio stated the BOCES property has been like that a long time. He thinks BOCES should drain runoff towards the swamp. They have the ability to channel it to run in that direction to eliminate water going into the catch basin.  
Councilperson Newbold agreed BOCES should be notified to address their runoff problem.

TOWN OF GOSHEN  
Resolution

ACCEPTANCE OF DEED FOR CHIEF'S WAY, CREAMERY CIRCLE, PARADISE VALLEY LANE, AND A STRIP OF LAND ALONG HOUSTON ROAD, IN CONNECTION WITH THE A&L ACRES (MOUNTAINS & MEADOWS) SUBDIVISION LOCATED ALONG HOUSTON ROAD AND NEW YORK STATE ROUTE 17A

INTRODUCED BY: Councilperson George Lyons

SECONDED BY: Councilperson Richard Florio

Dated: January 14, 2021

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held on the 14<sup>th</sup> day of January, 2021, the following resolution was introduced:

WHEREAS, Albert Fini d/b/a Mountains & Meadows LLC (hereinafter "Owner") is the owner of the land known and designated as Chief's Way, Creamery Circle, Paradise Valley Lane and a strip of land along Houston Road, as described in Schedule "A" attached to the Deed, and which lands are situate within the boundaries of the Town of Goshen, and

WHEREAS, the Owner desires to convey to the Town of Goshen title to Chief's Way, Creamery Circle, Paradise Valley Lane and a strip of land along Houston Road, and

WHEREAS, Chief's Way, Creamery Circle, Paradise Valley Lane and a strip of land along Houston Road have been fully constructed and offered for dedication to the Town of Goshen by Owner, pursuant to the relevant provisions of the Town Code and New York State Highway Law, and

WHEREAS, the Town Highway Superintendent and Town Engineer have recommended acceptance of said parcels of land for highway purposes, upon the filing with the Town of a maintenance bond in the amount of \$128,630.00 to guarantee any maintenance and repairs required to Chief's Way, Creamery Circle, Paradise Valley Lane and a strip of land along Houston Road by the Town for a period of one (1) year after acceptance by the Town of Goshen, and

WHEREAS, the Town Board desires to accept the dedication of Chief's Way, Creamery Circle, Paradise Valley Lane and a strip of land along Houston Road in consideration of the transportation needs and demands of the Town, and finding that it is in the best interest its residents.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Goshen that, upon the satisfaction of the conditions noted below, the Town Board agrees to accept the deed, offer of dedication and related drainage easements and license agreement for Chief's Way, Creamery Circle, Paradise Valley Lane and a strip of land along Houston Road, and authorizes the Supervisor to execute any and all documentation necessary to accept such offer of dedication, and directs the Town Clerk to record the Offer and Deed in the Orange County Clerk's Office.

BE IT FURTHER RESOLVED THAT the closing in connection with this acceptance shall take place within 120 days from the date of this Resolution. Should the closing fail to take place within 120 days from the date of this Resolution, this Resolution shall be null and void, unless the Town Board, by resolution, grants an extension for such closing to take place.

CONDITION:

1. Notification that a title insurance policy for the parcel has been issued to the satisfaction of the Town Attorney. The title shall be unencumbered by taxes, liens or mortgages at the time of closing. (This includes providing the outstanding documents required and listed in the title report, completing the ALTA request form, and removing all outstanding mortgages from the title.)

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>AYE</u>		

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

**b. Review and approve a Maintenance Bond for a period of one year after accepting referenced deed.**

Councilperson Canterino questioned why we are taking in a Letter of Credit? Supervisor Bloomfield noted this is the first time we have had a letter of credit in years. This is in connection with A & L Acres subdivision from the account of Fini Developers Inc.

Councilperson Florio made the motion to approve the Maintenance Bond for a period of one year after accepting referenced deed in the amount of a \$128,630.00 Irrevocable Letter of Credit and authorize the Supervisor to sign the same. Councilperson Lyons seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>AYE</u>		

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

Councilperson Newbold asked for clarification on the "Letter of Credit". Ans: A reputable entity (Orange Bank & Trust Co.) will guarantee the obligation.

**c. Discuss and approve MS4 acceptance of "Notice of Termination" of activity completed as identified in the SWPPP.**

All disturbed areas have achieved final stabilization in accordance with the general permit and SWPPP. The NYSDEC criteria under the regulations are satisfied and the MS4 certification can be signed by the Supervisor.

Councilperson Canterino made the motion to approve MS4 acceptance of "Notice of Termination" of activity completed as identified in the SWPPP and authorize the Supervisor to sign the same (refer to letter dated 12/21/2020 from Sean Hoffman, PE). Councilperson Newbold seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>AYE</u>		

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

2. Discuss and approve the following actions in regard to Davis Solar and authorize the Supervisor to sign the same (refer to letter dated 1/11/21 from Sean Hoffman, PE).

a. Stormwater construction completion guarantee cash bond of \$475,000.00.

The construction completion guarantee ensures the applicant will complete activities related to the stormwater pollution prevention plan (SWPPP).

Councilperson Newbold made the motion to accept the Stormwater Construction Completion guarantee cash bond in the amount of \$475,000.00. Councilperson Florio seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>AYE</u>		

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

b. Stormwater Maintenance guarantee cash bond of \$3,000.00.

The developer provides a maintenance guarantee to ensure proper operation and maintenance of all stormwater management and erosion control facilities during construction and until the facility is removed from operation.

Councilperson Lyons made the motion to accept the Stormwater Maintenance Guarantee cash bond in the amount of \$3,000.00. Councilperson Canterino seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>AYE</u>		

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

c. Decommissioning cash bond of \$261,212.03.

The Decommissioning cash bond secures the removal of the solar energy system components, restore the land to a condition which existed before construction and dispose or recycle all materials in an environmentally responsible matter. The amount of the decommissioning bond shall be established by the Town Board and equal 150% of the decommissioning and reclamation cost for the entire system.

Councilperson Canterino made the motion to accept the Decommissioning cash bond in the amount of \$261,212.03. Councilperson Newbold seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>AYE</u>		

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

3 Discuss draft of introductory Local Law 1 of 2021 to create a battery Energy Storage Overlay District, and a Full Environmental Assessment Form (Part 1) and a zoning map depicting where the district is located.

The purpose of this overlay zoning district is to allow the construction of and provide standards for battery energy storage systems.

Councilperson Canterino made the motion to Introduce Local Law 1 of 2021, to assume lead agency under SEQRA, to type the action as Type 1, to authorize referrals to the O.C. Planning Department and Town Planning Board and to authorize the Supervisor to sign the necessary documents. Councilperson Newbold seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>AYE</u>		

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

Councilperson Canterino made the motion to make a resolution to extend the moratorium an additional six (6) months. Councilperson Newbold seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>AYE</u>		

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

Councilperson Lyons made the motion to schedule a Public Hearing on Introductory Local Law 1 of 2021 to be held on February 25, 2021. Councilperson Florio seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>AYE</u>		

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

Councilperson Newbold asked for a clear copy of the Introductory Local Law 1 of 2021 to be posted on the Town web page.

**4. Information: The contractor has completed sewer lining work in Hambletonian Park and Arcadia Hills.**

As stated for information only.

**5. Information: A tentative date of February 4<sup>th</sup> has been set for the Arcadia Hills water storage tank bid opening.**

As stated, for information only.

6. **Information: A zoom meeting has been scheduled with the "Police Reform Collaborative Community Outreach members" for January 19<sup>th</sup>. A great deal of preparation work for this meeting is being done.**

As stated, for information only.

**NEW BUSINESS:**

1. **Information: A scheduled annual audit of the Goshen Courts has been postponed due to two employees being ill with COVID-19 and the remaining employee being self-quarantined at home for 14 days.**

As stated, for information only.

2. **Appoint Thomas Burnham to the Town of Goshen Zoning Board of Appeals.**

Mr. Burnham will continue to serve as Chairman of the Goshen Environmental Review Board.

Councilperson Canterino made the motion to appoint Thomas Burnham to the Zoning Board of Appeals effective immediately. Councilperson Lyons seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>AYE</u>		

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

3. **Information: A chlorine pump in the Arcadia Hills water system failed on January 6<sup>th</sup> and a "Boil Water Notice" was given to each homeowner. The defective pump was replaced immediately and the notice remained in effect until Wednesday, January 12<sup>th</sup> when the O.C. Health Department approved the water as potable.**

As stated, for information only.

4. **Review and approve virtual minutes of Town Board meeting held December 7, 2020, December 10, 2020 and January 4, 2021.**

Councilperson Lyons made the motion to approve said meeting minutes as presented. Councilperson Canterino seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>AYE</u>		

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

**FINANCE:**

1. **Councilperson Newbold made the motion to authorize the Supervisor to pay Accounts Payable check run on January 14, 2021 in the amount of \$482,595.06. Councilperson Florio seconded the motion.**

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>AYE</u>		

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

2. **Councilperson Canterino made the motion to authorize the Supervisor to pay Manual A/P run for 12/31/2020 in the amount of \$15,289.71. Councilperson Newbold seconded the motion.**

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>AYE</u>		

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

3. **Councilperson Newbold made the motion to approve year-to-date budget transfers as requested by the Budget Officer. Councilperson Lyons seconded the motion.**

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>AYE</u>		

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

4. **Information: Budget Officer, Christine Cavaliere, conducted as accounts payable audit for 12/29/2020 and 1/14/2021. (attached)**

As stated, for information only.

#### **Afterthoughts:**

Supervisor Bloomfield reported on a conference call he was on with the County Executive. The topic was the Governor's position allowing people by age to receive the COVID-19 vaccine. Orange County didn't get enough vaccines. Also, many of the elderly people don't have computers or don't have the necessary computer skills to sign up for the vaccination. Those eligible may call: 845-615-3700 Office of the Aging for assistance.

Councilperson Florio reported on Tuesday's JRC meeting. We were the only town in Orange County, perhaps the State that held summer recreation camp. The JRC would like to build a new pavilion next (not connected) to the existing one at Craigville. This project would enable space for more kids in camp, sports activities and to rent out. They contacted Fini Brothers who estimated to do the project would be around \$55,000 (that's without pre-venting wage or concrete work). Art Tully would help with the design. The Town Highway Dept. can help with prepping for the concrete.

Different ways to fund this project will be explored between the Town and the Village. The Town would like to see a design/plans on paper to determine where funding will come from. The Village will probably contribute with manual labor and equipment from their DPW. Councilperson Florio believes this is a good project that will benefit everyone at Craigville Park.

Councilperson Newbold commented on recent flooding in Arcadia Hills caused by the berm at Legoland. Has Legoland submitted a design for the berm? Sean Hoffman, P.E. answered: a design was submitted for storm water collection for that area. The only outstanding item is in connection with the amended license agreement to review and approve a landscaping plan. We haven't seen this as of yet. Not sure if all of the drainage was installed before the referenced storm on Christmas Eve.

**ADJOURNMENT:**

Councilperson Canterino made the motion to adjourn the meeting. Councilperson Lyons seconded the motion. Motion carried.

Time: 9:10PM

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Priscilla Gersbeck, Town Clerk