

**Town of Goshen  
Town Board Meeting  
May 11, 2023  
7:00 pm**

**Minutes**

A meeting of the Town Board of the Town of Goshen was held on the 11th day of May 2023 at Goshen Town Hall, 41 Webster Avenue, Village of Goshen, County of Orange, State of New York .

Present:            Joseph Betro            Town Supervisor  
                         Douglas Bloomfield      Councilmember  
                         George Lyons            Councilmember  
                         Philip Canterino        Councilmember

Absent:             Richard Florio            Councilmember

Also Present:     Rory Brady                Town Attorney  
                         Sean Hoffman            Town Engineer  
                         Broderick Knoell        Highway Superintendent  
                         Mary Riso                 Town Clerk

**VOTE BY PROPER MOTION**, made by Councilmember Canterino, seconded by Councilmember Bloomfield, the Town of Goshen Town Board moved to open the meeting at 7:00 pm. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

**Public Hearing**

**Alturus/Nexamp Solar Farm – Application for a Special Permit, proposing to build a 5-megawatt solar facility, on properties located within the Town of Goshen, as shown on the Tax Map thereof as Section 12, Block 1, Lots 17.122, 21.12, 22 and 23.1. Said properties consist of approximately 114.036 +/- acres and is located along Hartley Road and New York State Route 17M in the Town of Goshen. The properties are located within the Industrial District with AQ-3, AQ-6, Stream Corridor & Reservoir Watershed, and Floodplain & Ponding Area Overlay Districts.**

**VOTE BY PROPER MOTION**, made by Councilmember Lyons, seconded by Councilmember Bloomfield, the Town of Goshen Town Board moved to open the Public Hearing for Alturus/Nexamp Solar Farm. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

Susan Cleaver, in summary, reviewed the history of the Al Turi Landfill. She provided a map to the Board where testing sites were marked in red. PFA's and dioxin were in the water and it was her

understanding you can't get them out of the water. There are fracture traces that run under the landfill into the Village wells. The DEC sent the report to the Town. Wise if you could get people who are knowledgeable and go to the DEC to figure out what is best before drawing. If you start drawing you could run into problems here. There is a lot of development in that area. On google earth there is about eight ponds on top of the landfill. They said one, there's quite a few. It looks like the cap is failing. Concerned about putting any more weight on top of the landfill given the chemicals that are leaching. Stated she's not against solar but the Board would be making a mistake giving a special permit. Suggested the Board get a copy of google earth or walk the property.

Whereupon, there was a discussion on Amy's getting water from Middletown, PFOA's going airborne, Carbon filtration system and reverse osmosis would remove 99.8 PFOA's out of the water, getting a study on the weight and what it could possibly do, settlement, landfill caps, and DEC approvals.

**VOTE BY PROPER MOTION**, made by Councilmember Canterino, seconded by Councilmember Lyons, the Town of Goshen Town Board moved to close the Public Hearing for Alturus/Nexamp Solar Farm. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

Attorney Brady stated there was a Draft Resolution in front of the Board, it borrows language from the planning board, specifically the conditions are the focus. Whereupon, there was a discussion and review of the Draft Resolution.

**VOTE BY PROPER MOTION**, made by Councilmember Canterino, seconded by Councilmember Bloomfield, the Town of Goshen Town Board moved to approve the resolution special use permit. Vote by roll call:

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

Resolution passes 4 to 0.

**Items for Discussion/Action**

**Discuss extending Local Law 1 of 2022 extending a moratorium on certain solar energy uses for six months.**

Whereupon, there was a discussion on the extension of the moratorium.

**VOTE BY PROPER MOTION**, made by Councilmember Canterino, seconded by Councilmember Lyons, the Town of Goshen Town Board moved to extend the Moratorium on Certain Solar Energy Uses for six months, November 13, 2023. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

**Review and approve Road Improvement Program for 2023.**

Highway Superintendent Knoell reviewed the road program with the Board.

**VOTE BY PROPER MOTION**, made by Councilmember Lyons, seconded by Councilmember Bloomfield, the Town of Goshen Town Board moved to approve the Road Improvement Program as prepared by Highway Superintendent Knoell. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

**Discuss and adopt revised Sexual Harassment Policy as proposed by New York State.**

**VOTE BY PROPER MOTOION**, made by Councilmember Lyons, seconded by Councilmember Bloomfield, the Town of Goshen Town Board moved to adopt the revised Sexual Harassment Policy as proposed by New York State. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

**Discuss and approve the Stormwater Control Facility Maintenance Agreement for LEGOLAND New York, LLC.**

Engineer Hoffman reviewed and discussed the agreement with the Board.

**VOTE BY PROPER MOTION**, made by Councilmember Canterino, seconded by Councilmember Bloomfield, the Town of Goshen Town Board moved to approve the Stormwater Control Facility Maintenance Agreement for LEGOLAND, New York, LLC. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

**Discuss and authorize the Supervisor to sign the LEGOLAND New York, LLC Maintenance Escrow Agreement for Stormwater Structures/Facilities in the amount of \$68,500.**

**VOTE BY PROPER MOTION**, made by Councilmember Bloomfield, seconded by Councilmember Lyons, the Town of Goshen Town Board moved to authorize the Supervisor to sign the LEGOLAND New York, LLC Maintenance Escrow Agreement for Stormwater Structures/Facilities in the amount of \$68,500. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

**Award of Town Hall Roof Restoration Bid.**

Whereupon, there was a discussion on the three bids received. TAM Enterprise had the lowest. The Town attorney reviewed the bid documents and had no issue.

**VOTE BY PROPER MOTION**, made by Councilmember Canterino, seconded by Councilmember Lyons, the Town of Goshen Town Board moved to award the Town Hall Roof Restoration Bid to TAM Enterprises. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

**Award of Town Hall Window Replacement Bid.**

Whereupon, there was a discussion on the four bids received for this project. TAM Enterprise was the lowest bid.

**VOTE BY PROPER MOTION**, made by Councilmember Bloomfield, seconded by Councilmember Lyons, the Town of Goshen Town Board moved to award the Town Hall Window Replacement Bid to TAM Enterprises. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

**Review request by New Gen Construction dated May 5, 2023 to post the performance guarantee as an irrevocable letter of credit or surety bond in the amount of \$70,800, instead of a cash bond or certified bank check.**

Engineer Hoffman reviewed the project with the Board. Whereupon, there was a discussion on the code and the Board's discretion. The decision was to request a cash bond in accordance with the code.

**Introduce Introductory Local Law 2 of 2023, a Local Law Repealing and Re-adopting Chapter 61A, Entitled "Flood Damage Prevention".**

Engineer Hoffman reviewed the proposed law. The DEC took a look at the law and said the law is a little outdated and they recommended it be updated.

**VOTE BY PROPER MOTION**, made by Councilmember Bloomfield, seconded by Councilmember Lyons, the Town of Goshen Town Board moved to be lead agency, type one action and a negative declaration. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

**Schedule a Public Hearing for Introductory Local Law 2 of 2023, a Local Law Repealing and Re-adopting Chapter 61A Entitled “Flood Damage Prevention” for June 8, 2023.**

**VOTE BY PROPER MOTION**, made by Councilmember Canterino, seconded by Councilmember Lyons, the Town of Goshen Town Board moved to schedule a Public Hearing for Introductory Local Law 2 of 2023, a Local Law Repealing the Re-adopting Chapter 61A Entitled “Flood Damage Prevention” for June 8, 2023 at 7:00 pm. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

**Introduce Introductory Local Law 3 of 2023, a Local Law amending the Town of Goshen Zoning, Code Article VII, Section 97-55(f)(13).**

Attorney Brady reviewed Introductory Local Law 3 with the Board. Noted previous discussions on the solar code needing to be amended for the decommissioning bond. This will have to be a 239 referral and go back to the Planning Board.

Whereupon, there was a discussion on cash bonds being required to restore the farm lands and that Alturus didn’t need to have that due to the unique situation. They are owner operators as opposed to flipping the project. Attorney Brady advised the Board they were putting it in place to allow them the option if they should choose it for decommissioning.

Supervisor Betro asked for a motion to schedule a public hearing for Introductory Local Law 3 on June 22, 2023. Councilmember Lyons made the motion and there was no second.

**Discuss and approve resolution and Home Rule Request for the creation of a Hotel Tax for the Town of Goshen.**

Whereupon, there was a discussion on the creation of a hotel tax for potential projects and existing projects in the Town.

**VOTE BY PROPER MOTION**, made by Councilmember Bloomfield, seconded by Councilmember Canterino, the Town of Goshen Town Board moved to approve the resolution for Hotel Tax for the Town of Goshen as prepared. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

**VOTE BY PROPER MOTION**, made by Councilmember Canterino, seconded by Councilmember Lyons, the Town of Goshen Town Board moved to authorize the Town Supervisor and Town Clerk to sign the Home Rule Request to amend the tax law in relation to authorizing the Town of Goshen to impose a hotel and motel tax. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

Whereupon, there was a discussion on Air B&B's.

**Discuss and approve agreement with Global Philanthropy Strategies to write grants for the Town of Goshen.**

Whereupon, there was discussion on the agreement and Supervisor Betro is going to renegotiate the terms to six months or go a month to month basis.

**Discuss the implementation of a \$20 service charge for Dishonored Checks as allowed under General Obligations Law, Section 5-328(2)(a).**

**VOTE BY PROPER MOTION**, made by Councilmember Canterino and Councilmember Bloomfield, the Town of Goshen Town Board moved to implement a \$20 service charge for Dishonored checks as allowed under General Obligation Law, Section 5-328(2)(a). Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

**Approve the appointment of Kenneth Banghart as an alternate on the Zoning Board of Appeals.**

**VOTE BY PROPER MOTION**, made by Councilmember Bloomfield, seconded by Councilmember Lyons, the Town of Goshen Town Board moved to appoint Kenneth Banghart as an alternate on the Zoning Board of Appeals. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

**VOTE BY PROPER MOTION**, made by Councilmember Bloomfield, seconded by Councilmember Canterino, the Town of Goshen Town Board approve Mary Riso to attend the New York State Association of Tax Receivers & Collectors in Ithaca, NY June 11-14, 2023. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

**Information: Received a letter dated April 27, 2023 from Alfred Turi, Goshen Fire District requesting the 10% tax relief.**

**Information: Received a letter dated April 28, 2023 commending the quick response of the Goshen Highway Department for taking care of water issues along 209 Phillipsburg Road.**

**Information: Frank Reinholz retired as Automotive Mechanic from the Highway Department. He was employed with Town for 26 years.**

**VOTE BY PROPER MOTION**, made by Councilmember Bloomfield, seconded by Councilmember Lyons, the Town of Goshen Town Board moved to approve the April 13, 2023 Town Board Minutes. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

**VOTE BY PROPER MOTION**, made by Councilmember Bloomfield, seconded by Councilmember Lyons, the Town of Goshen Town Board moved to approve the April 27, 2023 Town Board Minutes. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

**Finance**

**VOTE BY PROPER MOTION**, made by Councilmember Canterino, seconded by Councilmember Lyons, the Town of Goshen Town Board made a motion to authorize the Supervisor to pay accounts payable check run for May 11, 2023 in the amount of \$93,786.44. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

**Information: Christine Cavaliere conducted an account payable audit for April 27, 2023 (see attached).**

**Privilege of the Floor**

Dr. Veit a resident of 5 Summerville Road stated he lives next to a VRBO (7 Summerville Road) and expressed the difficulties he is having with their noise and garbage being left out. He suggested putting something town-wide like a proposition on the ballot for the town to be able to vote on the issue.

Whereupon there was a discussion that this a current enforcement and zoning issue. The Town is currently looking into these issues.

Susan Cleaver discussed her concerns over Al Turi Landfill and Northern Recycle. Commented that due to the new bill by Governor Hockul anything part of SEQR is supposed to go through Environmental Justice as well. Ms. Cleaver also brought up the host fees owed to the town and the issue our two landfills are having being contaminated with dioxane, she will print out the map and give to the Supervisor.

The Town Board discussed the previous agreement with IWS. An expansion is currently before the Planning Board.

Rob Coyle addressed the Board again about his Cannabis on Wheels and how he would like to survey the Town on this matter.

The Town Board said it is not open to having a dispensary. Councilmember Bloomfield stated we already had a public hearing on this matter and the Town said no. Supervisor Betro said he can do his survey but is not to sell anything.

**VOTE BY PROPER MOTION**, made by Councilmember Bloomfield, seconded by Councilmember Lyons, the Town of Goshen Town Board moved to close the meeting. Approved unanimously.

Supervisor Betro	Aye	Councilmember Bloomfield	Aye
Councilmember Canterino	Aye	Councilmember Lyons	Aye

Meeting adjourned at 9:15 pm.

Submitted By: Mary Riso  
Town Clerk