

**Town of Goshen
Town Board Meeting
March 25, 2021
MINUTES**

A meeting of the Town Board of the Town of Goshen was held on the 25th day of March, 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
	James McDowell	Town of Goshen Police Chief
	Christine Cavaliere	Town Budget Officer
	Priscilla Gersbeck	Town Clerk
	Mary Riso	Clerk to the Supervisor

CALL TO ORDER

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

Councilperson Newbold recognized the volunteer work performed by Sarah Lyons – Councilperson Lyons elaborated that Sarah has worked as a CNA at Valley View Nursing Home during the recent pandemic. She volunteers at the Goshen Food Pantry and at GOVAC. She accepted the award on the behalf of all the CNAs throughout the County.

Public Hearing

1. Continue Public Hearing of Introductory Local Law 1 of 2021: Battery Energy Storage. (See attached comments received thus far.)

Motion to re-open the Public Hearing of Introductory Local Law 1 of 2021 was made by Councilperson Lyons and seconded by Councilperson Florio.

Upon Roll Call Vote:

Supervisor Bloomfield:	<u>AYE</u>	Councilperson Florio:	<u>AYE</u>
Councilperson Newbold:	<u>AYE</u>	Councilperson Canterino:	<u>AYE</u>
Councilperson Lyons	<u>AYE</u>		

Motion Carried 5-0.

The public was asked if there were any commentary on the Introductory Law 1 of 2021. Scott Connuck of East Point Energy noted that there were no new comments other than what was submitted in

support of the Local Law with modifications. Supervisor Bloomfield noted comments were received by the Planning Board, ERB, Phil Dropkin and Bruce Wiegand, as well as some additional comments that were forwarded to the Town Attorney, Kelly Naughton. Attorney Golden noted that there were many written comments received. The moratorium ends October 22, 2021. Items may be referred to the Town Engineer and to him for review so as not to rush the process and not confuse matters regarding the topic.

Motion to close the Public Hearing of Introductory Local Law 1 of 2021: Battery Energy Storage was made by Councilperson Canterino and seconded by Councilperson Lyons.

Discussion: Councilperson Newbold inquired about height restrictions for battery storage facilities and environmental issues. He wondered if this is pertinent, as it isn't noted in any of the material. Attorney Golden replied that it is pertinent, and Sean Hoffman and he will look into this further regarding height restrictions and other locations.

Councilperson Florio further inquired about the overlay districts and if they will be expanded. Attorney Golden replied that there is text of the local law accompanied by public commentary about boundaries and the Town Board will have ample time to discuss this in the future.

Upon a Roll Call Vote:

Supervisor Bloomfield: AYE
Councilperson Newbold: AYE
Councilperson Florio: AYE

Councilperson Lyons: AYE
Councilperson Canterino: AYE

Motion Carried 5-0. Public Hearing closed.

Old Business

1. Review and approve the Town of Goshen Police Reform and Reinvention Plan and authorize the Supervisor to sign the same.

This has been talked about for some time. Supervisor Bloomfield acknowledged members of the committee that formulated the Plan, specifically: Councilperson Canterino, Police Chief James McDowell, Sergeant Edward Edwards, Ashley Torre, Esq., Chris Ashman, Katherine Brieger, Louis Clemente, Robert Conflitti, Brian Gallo, Richard B. Golden, Esq., Rev. David Kingsley, Stanley Lupinski and Shannon Wong. He also thanked the Town Board for all of their work.

Comments : Attorney Golden indicated that this project was a mandate from the Governor, using an outline regarding reform and reinventing police procedure, particularly with how policing affects persons of color. The process involved gathering public input and reviewed police policies and procedures, which resulted in police reforms such as use of force and de-escalation techniques. Councilperson Canterino appreciated that each member of the committee was named by the Supervisor and he specifically thanked Ashley Torre and Sgt. Edwards for their help and expertise. Chief McDowell noted the committee worked well and the Town Police is in a good spot. Councilperson Lyons noted that from his experience with the ambulance corps that there are so many cases of mental health issues that can exacerbate a situation. Police reform addresses this very well. Councilperson Newbold noted that it was great that this exercise was performed, as it will prevent situations from happening, specifically in regard to what Councilperson Lyons spoke of. Councilperson Florio thanked the members of the committee for their hard work and time.

Motion to adopt the Town of Goshen Police and Reinvention Plan and authorize the Supervisor to sign the same and State Certification was made by Councilperson Canterino and seconded by Councilperson Newbold.

Upon a Roll Call Vote:

Supervisor Bloomfield:	<u>AYE</u>	Councilperson Lyons:	<u>AYE</u>
Councilperson Newbold:	<u>AYE</u>	Councilperson Canterino:	<u>AYE</u>
Councilperson Florio:	<u>AYE</u>		

Motion carried 5-0.

2. Review and approve the landscaping plan for the Town easement on the LEGOLAND berm. Town Engineer Sean Hoffman explained the approved landscaping plan and showed on the screen the proposed plan. He spoke of the Town's requirements for the safe and adequate construction of the berm and the additional landscaping. John O'Rourke from Lanc & Tully for LEGOLAND further explained the additional landscaping plan. Lanc & Tully proposes sixty-four additional trees in the area along both sides of the berm and along the top of the berm to provide additional screening for the Arcadia residents looking up at LEGOLAND. The trees include hardwoods and evergreens, with the tallest tree being 16 ft. There will be more screening than the Town Board had originally approved. The berm is approximately eight feet high and is parallel to the LEGOLAND entrance. Councilperson Newbold noted that trees don't stabilize in case of a mudslide. He was hoping for ground cover/shrubbery to slow down any issue with possible mudslides. Mr. O'Rourke mentioned that it will be a lawn area with gentle slope.

Motion to approve the landscaping plan for the Town easement on the LEGOLAND berm as presented was made by Councilperson Florio and seconded by Councilperson Newbold.

Upon a Roll Call Vote:

Supervisor Bloomfield:	<u>AYE</u>	Councilperson Canterino :	<u>AYE</u>
Councilperson Newbold:	<u>AYE</u>	Councilperson Florio:	<u>AYE</u>
Councilperson Lyons:	<u>AYE</u>		

Motion carried 5-0.

3. Information: See attached letter from Sean Hoffman, H2M Engineering, to Statewide Aquastore, Inc. with a "Notice to Proceed" in building a new Arcadia Hills Water Storage Tank. With this letter, the Town of Goshen Budget Officer is to begin the process of procuring a loan as specified by the Town Board in a Bond Resolution dated July 23, 2020 (attached).

As mentioned, for information.

4. Information: A pre-construction meeting was held March 24 for the Arcadia Hills Water Storage Tank. The contractor agreed to complete the project by October 18, 2021 and the tank will be put in service.

As mentioned, for information.

5. Review and approve minutes of February 25, 2021 and March 11, 2021 virtual Town Board meeting.

Motion to approve minutes of the February 25, 2021 virtual Town Board meeting was made by Councilperson Lyons and seconded by Councilperson Canterino.

On a Roll Call Vote:

Supervisor Bloomfield:	<u>AYE</u>	Councilperson Florio:	<u>AYE</u>
Councilperson Canterino:	<u>AYE</u>	Councilperson Newbold:	<u>AYE</u>
Councilperson Lyons:	<u>AYE</u>		

Motion carried 5-0.

Motion to approve minutes of the March 11, 2021 virtual Town Board meeting was made by Councilperson Newbold and seconded by Councilperson Lyons.

On a Roll Call Vote:

Supervisor Bloomfield:	<u>AYE</u>	Councilperson Florio:	<u>AYE</u>
Councilperson Newbold:	<u>AYE</u>	Councilperson Canterino:	<u>AYE</u>
Councilperson Lyons:	<u>AYE</u>		

Motion carried 5-0.

New Business

1. Information: Chlorine pumps for Arcadia Hills and Hambletonian Park water systems along with well pump regulating meters have been ordered. When installed, this equipment will regulate chlorine pump speeds on a continuous basis to keep the ratio of chlorine to water at the desired set point.

As stated, for information.

2. Review and approve a draft proposal for a Town Board Special Use Permit to be provided to Forefront Power LLC (A/K/A Varano Solar Farms) to build and operate a 5-megawatt-AC solar facility shown on the Town of Goshen Tax Map as Section 19, Block 1, lots 47, 48.1 and 48.2.

Attorney Golden: this is a special permit to operate a solar farm, which has been done by the Town Board for other project. The project has been before both the Planning Board and ZBA, has had numerous SEQRA reviews and supplemental SEQRA review. ZBA variance was granted because of boundary lines and setbacks. He suggested that the Town Board concentrate on special conditions in the resolution. Supervisor Bloomfield noted that the Town Board has approved this for other solar projects in the Town. Councilperson Newbold asked for the exact location of this project; Town Engineer Hoffman noted that it is located on Maple Avenue, the Persoon property. He shared the plan; two parcels, 166 acres on each parcel and this project is the front property with 26 acres for solar facility and a 5 megawatt solar facility with some battery storage. Councilperson Canterino asked about separate owners on each property with one solar facility and what would happen if one owner decided to sell. Genevieve Trigg, Esq., Land Use Counsel for Forefront Power LLC answered that there is currently an easement between the Mr. Persoon and Mr. Varano, the respective owners. The applicant will continue

to lease the land to any subsequent owner and will be subject to any decommissioning plans that have been previously approved. Councilperson Lyons inquired about verbiage on page 8 of the draft proposal that appeared to be a typographical error.

Motion to approve a draft proposal for a Town Board Special Use Permit to be provided to Forefront Power LLC (A/K/A Varano Solar Farms) to build and operate a 5-megawatt-AC solar facility shown on the Town of Goshen Tax Map as Section 19, Block 1, lots 47, 48.1 and 48.2 was made by Councilperson Lyons and seconded by Councilperson Florio.

On a Roll Call Vote:

Supervisor Bloomfield:	<u>AYE</u>	Councilperson Newbold:	<u>AYE</u>
Councilperson Lyons:	<u>AYE</u>	Councilperson Florio:	<u>AYE</u>
Councilperson Canterino:	<u>AYE</u>		

Motion carried 5-0.

1. Information: The annual Water/Sewer review will be held April 22, 2021 in conjunction with the Town Board Meeting. The annual review will include a capital budget for projects and water/sewer rate changes for the next twelve months.

As stated, for information.

2. Authorize Budget Officer to engage Troy & Banks to perform a Cable Franchise fee audit and Utility/Telecommunications audit.

Budget Officer Christine Cavaliere was approached by Tory & Banks Consultants to verify the accuracy of the cable franchise fees for municipalities that are paid and if there are fees that are underpaid and recoverable. Tory & Banks fee to recover any fees owed is 50% of the recovered fee and no fee if there is nothing to recover, going back six years. This firm also reviews utility and telecommunication audits and the fee for that service is 35% of whatever is covered. Any future savings would also be a 35% fee. She spoke with the Town of Newburgh about the service and the comptroller informed her that there was a savings of about \$80,000. Councilperson Lyons and Councilperson Newbold asked for clarification in regard to the fees. Councilperson Canterino asked Attorney Golden for his thoughts; Attorney Golden was concerned about possible fees if this company suggested something that the Town wasn't interested in doing but the company confirmed that this isn't how they interpret the condition and will not be doing that. Councilperson Lyons asked if it is a fact that the entities this firm worked for collected the fees that have been noted or were they given less of the percentage? Budget Office Cavaliere stated that these are the rates across the board.

Motion to authorize Budget Officer to engage Troy & Banks to perform a Cable Franchise fee audit and Utility/Telecommunications audit and authorize the Supervisor to sign. The motion was made by Councilperson Canterino and seconded by Councilperson Florio.

On a Roll Call Vote:

Supervisor Bloomfield:	<u>AYE</u>	Councilperson Canterino:	<u>AYE</u>
Councilperson Newbold:	<u>AYE</u>	Councilperson Florio:	<u>AYE</u>
Councilperson Lyons :	<u>AYE</u>		

Motion carried 5-0.

Finance

1. Discuss and approve a motion to authorize the Supervisor to pay accounts payable check run on March 25, 2021 in the amount of \$144,469.40.

Motion to authorize the Supervisor to pay Accounts Payable check run on March 25, 2021 in the amount of \$144,469.40 was made by Councilperson Lyons and seconded by Councilperson Florio.

On a Roll Call Vote:

Supervisor Bloomfield:	<u>AYE</u>	Councilperson Florio:	<u>AYE</u>
Councilperson Newbold:	<u>AYE</u>	Councilperson Canterino:	<u>AYE</u>
Councilperson Lyons:	<u>AYE</u>		

Motion Carried 5-0.

2. Discuss and approve a motion to authorize the Supervisor to pay manual A/P check run for 2/28/21 in the amount of \$16,137.39.

Motion to authorize the Supervisor to pay Manual A/P check run for 2/28/21 in the amount of \$16,137.39 was made by Councilperson Canterino and seconded by Councilperson Newbold.

On a Roll Call Vote:

Supervisor Bloomfield:	<u>AYE</u>	Councilperson Florio:	<u>AYE</u>
Councilperson Newbold:	<u>AYE</u>	Councilperson Canterino:	<u>AYE</u>
Councilperson Lyons:	<u>AYE</u>		

Motion Carried 5-0.

3. Approve year-to-date budget transfers requested by the Budget Officer.

Motion to approve year-to-date budget transfers requested by the Budget Officer was made by Councilperson Newbold and seconded by Councilperson Florio.

Budget Officer Cavaliere explained the items that will be transferred from 2020 and this year thus far.

On a Roll Call Vote:

Supervisor Bloomfield:	<u>AYE</u>	Councilperson Florio:	<u>AYE</u>
Councilperson Newbold:	<u>AYE</u>	Councilperson Canterino:	<u>AYE</u>
Councilperson Lyons:	<u>AYE</u>		

Motion Carried 5-0.

4. Information: Christine Cavaliere conducted an accounts payable audit for 3/25/2021. See attached.

As stated, for information.

Councilperson Newbold commented on the traffic on Gate Schoolhouse Road and Maple Avenue regarding weight limits of vehicles. He has been working with the State Police and some progress has been made. There is concern about traffic on Maple Avenue and "Jake Brakes", in particular. The State Police informed him that "Jake Brakes" should only be used on highways and not on local roads. Supervisor Bloomfield replied that Attorney Naughton has looked into this fact and this isn't true. The Board will look further into this.

Privilege of the Floor

- Thomas Howe of the Heritage HOA inquired about the street dedication in Heritage Estates. Response from Sean Hoffman: the dedication will happen when the punch list from the developer is completed. Hopefully in the next thirty days. Supervisor Bloomfield added that he visited the Goshen Post Office about mail delivery to the homes at Heritage – the Postmaster stated that until the roads are plowed by the Town in the winter, they will not deliver to the homes.
- Brad Barnhorst: No comments
- Adman: No Comments
- Nancy: No Comments
- Jay: No Comments
- Jeremy: No Comments
- June Evers: Thanked Kenny for his update.
- Nick Gallo: Asked about the new water chlorine pumps being monitored – is it daily? Reply: The Town will have to find out the procedure from the water company. Mr. Gallo also asked about the Water/Sewer meeting on April 22nd – will it be open for comments from the public? Answer: Yes. He’s interested in the rate changes for the new water tanks.
- Mary: No Comments

Before the adjournment, Councilperson Lyons noted the tragic passing of Mayor Nuzzolese of the Village of Goshen and what a great man he was. A tragic loss to all of us.

Adjournment

Motion to adjourn the Town Board Meeting was made by Councilperson Lyons and seconded by Councilperson Newbold.

On a Roll Call Vote:

Supervisor Bloomfield: AYE
Councilperson Newbold: AYE
Councilperson Lyons: AYE

Councilperson Florio: AYE
Councilperson Canterino: AYE

Motion carried 5-0.

Meeting adjourned at 8:45 PM.

Kirsten Santangelo, Deputy Town Clerk