

TOWN OF GOSHEN
TOWN BOARD COMBINED WORK SESSION AND REGULAR MEETING
December 18, 2017
MINUTES

A combined meeting of the Town Board of the Town of Goshen was held on the 18th day of December, 2017 at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:	Douglas Bloomfield	Supervisor
	Melissa Gallo	Councilmember
	George Lyons	Councilmember
	Kenneth Newbold	Councilmember
	John Van Der Molen	Councilmember

Also Present:	Richard Golden, Esq.	Attorney for the Town
	Kelly Naughton, Esq.	Attorney
	Priscilla Gersbeck	Town Clerk

A. CALL TO ORDER

The meeting was called to order by Supervisor Bloomfield at 7:30pm, followed by the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

Addition under New Business: Litigation Matter of Orange Co. vs Town of Goshen and switching item #1 under New Business before Old Business

C. PRIVILEGE OF THE FLOOR (agenda items only)

None at this time.

D. REPORTS:

Councilperson Van Der Molen reported on activity by the Town Police during the beginning of the month. There were sixteen motor vehicle accident reports, fifteen property damage and one personal injury. The department responded to eight hunting complaints of shots fired too close to a house, trespassing etc. Three complaints of criminal mischief were of damage done to mailboxes on Coleman Road and Knoell Road. Patrols were able to locate a missing child who left the house. Reminder to the Town residents: Police Dept. has a house check program while residents are away for the Holidays. The Town sends condolences to the Chief in the recent passing of his Mother.

Councilperson Newbold: Reported that there was a water main break in Stonehedge Development on Thanksgiving morning. Thanks to the DPW & TAM for leaving their festivities to repair the break. Meeting with Assemblyman James Skoufis office, working on an application for a \$50,000 grant. If we receive this grant, the Town hopes to replace windows and update the heating system in the Town Hall.

Councilperson Lyons reported on the Highway Department: Crews were busy picking up leaves and brush in the developments that have catch basins and used the sweeper vacuum to clear

some of the plugged drainage ditches. A truck for hauling blacktop was sent for two days to Hamptonburgh to aid them in paving their new salt shed floor. They also partnered with the Orange County DPW working on shouldering the newly paved roads of Hartley Road and Owens Road. The County provided their shouldering machine with operators, one tandem dump truck, and some flagging labor for three days. Three snow storms in December required treatment and/or plowing. Each of the nuisance storms tested the supply of salt/sand mix highlighting the need for additional storage capacities for the mixture. On another note, he obtained quotes from three insurance companies for cyber insurance coverage. The premium and deductible amounts were unacceptable. Therefore, a solution was to combine personnel bonds with bonding cyber insurance. Wishes to all for a happy holiday season of celebrations.

Councilperson Gallo stated that the JRC did not meet in December. An issue with destructive mice has prevented the opening of the ice skating rink at Erie Park. Perhaps repairs will enable the rink to open next year.

Supervisor Bloomfield attended a meeting with representatives from DKI – Code Red. This is a no cost service to respond to an emergency situation. We are looking into the details of a contract with DKI.

NEW BUSINESS:

- 1. REVIEW OPTIONS AND RECOMMENDATIONS FOR TAXING SOLAR AND WIND FARMS PRESENTED BY JOHN MCCAREY, DIRECTOR OF ORANGE COUNTY REAL PROPERTY TAX SERVICE AGENCY, AND DECIDE ON A TAXATION STRATEGY THE TOWN OF GOSHEN WANTS TO PURSUE.**

John McCarey distributed an information packet on the different options to tax solar. If a solar farm qualifies for the RPTL 485-b exemption is ultimately to be decided by the assessor. The real issue is whether a solar farm meets the 485-b (5) requirement that real property is to be used primarily for buying, selling, storing or developing of goods or services etc. Case law provides evidence that a solar farm could satisfy the requirements of the RPTL 485-b exemption. Under the present Real Property Law 487, Solar farms are entitled to a 15 year exemption on solar development. Most solar companies will pay the roll-back for property that has been used for agriculture. Orange & Rockland Utilities has offered to pay a PILOT fee between \$3,500 to \$7,500 per mega-watt. Therefore, a 2 mega-watt farm will possibly generate \$15,000 in pilot payment in lieu of taxes. Next year they will begin to operate at a 5 mega-watts. He continued explaining factors for consideration such as taxable improvements, distribution of money within Town entities and taxes on the entire project. A solar farm will last 15 to 20 years, after 5 years the efficiency (value) drops. His recommendation is to opt-out of the solar exemption and treat it as any other commercial entity. Therefore, it will be entitled to a 485-b. This will also affect all solar exemptions including residential. In summary, when negotiating with a solar company, don't give them the PILOT, offer a 485-b application. Cyprus Creek Renewables has requested a determination be made in writing within sixty days.

At the December meeting of the Goshen Central School District it was agreed to enter into a PILOT agreement with Cyprus Creek Renewables project on Owens Road. There are many questions with no clear-cut answers. The Board members will read through the material presented for further discussion in a January meeting.

E. OLD BUSINESS:

- 1. SET A PUBLIC HEARING FOR JANUARY 11, 2018 ON TOWN OF GOSHEN INTRODUCTORY LOCAL LAW 2 OF 2017 INSTITUTING A MORATORIUM OF CERTAIN PERMITS, CERTIFICATES OF OCCUPANCY AND APPROVALS FOR RESIDENTIAL DEVELOPMENTS INVOLVING AFFORDABLE HOUSING UNITS PURSUANT TO TOWN CODE 97-24.**

Under the current code, the formula to figure an affordable housing amount is outdated. The moratorium is to maintain the *status quo* of certain residential development in the Town through April 23, 2018. This will give the Town Board sufficient time to analyze and determine potential appropriate revisions and amendments to the code.

Councilperson VanDerMolen made the motion to set a public hearing for January 11, 2018 at 7:30pm or as soon thereafter to consider Introductory Local Law No. 2 of 2017. Motion was seconded by Councilperson Gallo.

On A Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, VanDerMolen
0 NAYS

2. SET A PUBLIC HEARING FOR JANUARY 11, 2018 ON INTRODUCTORY LOCAL LAW 1 OF 2017 WHICH MODIFIES VARIOUS SECTIONS OF THE TOWN OF GOSHEN CODE TO OMIT TYPOGRAPHICAL ERRORS AND TO AMEND PROVISIONS TO ENSURE CONSISTENCY AND CLARITY.

Councilperson Lyons made the motion to set a public hearing for January 11, 2018 at 7:30pm or as soon thereafter to consider Introductory Local Law No. 1 of 2017. Motion was seconded by Councilperson Newbold.

On A Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, VanDerMolen
0 NAYS

3. REVIEW STATUS UPDATE ON "WELL EVALUATION" OF NEIGHBORING PROPERTIES OF "HERITAGE OF GOSHEN" HOUSING DEVELOPMENT.

Sean Hoffman, PE, Consulting Engineer acknowledged correspondence from several residents along Old Chester Road who have complained of low water pressure/low water levels in their water pipes since the construction of homes in the Heritage of Goshen housing development. Tests were conducted monitoring the wells. In addition, the Hambletonian Park and Heritage Development water systems were studied to see if there is a correlation between the pumping of certain wells and a draw-down in residential wells surrounding those subdivisions. The data collected will be reviewed by professionals. A report is expected by the end of January.

F. NEW BUSINESS:

2. REVIEW AND APPROVE A PROPOSED TAX CERTIORARI SETTLEMENT WITH PROPERTY LOCATED AT 70 HATFIELD LANE, LLC, TAX MAP NO. 126-1-5.1.

Robert Rametta Esq. reviewed details in the following resolution tax certiorari settlement. In summary: the 2017 final assessment on the Petitioner's real property shall be corrected, reduced and revised as follows:

<u>Year</u>	<u>Tax Map#</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>	<u>Reductions</u>
2017	126-1-5.1	\$5,602,500.00	\$3,640,000.00	\$1,962,500.00

**TOWN OF GOSHEN
RESOLUTION**

**Settling of Tax Certiorari Claim of 70 HATFIELD LANE, LLC
S/B/L: 126-1-5.1**

INTRODUCED BY: Councilperson George Lyons

SECONDED BY: Councilperson Melissa Gallo

DATED: December 18, 2017

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held at Town Hall in said Town on the 18th day of December, 2017;

WHEREAS, claimant, 70 HATFIELD LANE, LLC, having commenced tax certiorari proceedings against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for the 2017 assessment year bearing Orange County Index Number 5951/2017;

WHEREAS, it appears from the recommendations of the Town Assessor, Arnold Silver, and Robert M. Rametta, Esq., Counsel for the Town of Goshen in the aforesaid proceedings, and upon a thorough investigation of the claims, that any further proceedings and litigation by the Town would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the above matter, as more fully set forth below, is reasonable and in the best interests of the Town; and

WHEREAS, claimant, 70 HATFIELD LANE, LLC, et al, is willing to settle these proceedings without interest, costs or disbursements, in the following manner: As set forth in annexed Consent Order;

NOW, BE IT THEREFORE RESOLVED, that the proposed settlement as set forth and described above and as set forth in the annexed Consent Order is hereby accepted pursuant to Section 68 of the Town Law and it is further;

RESOLVED, that the Assessor of the Town of Goshen and Robert M. Rametta, Esq., Special Counsel to the Town of Goshen; and Douglas Bloomfield, Supervisor of the Town of Goshen be and are hereby authorized to take any and all steps and sign any and all documents necessary to effectuate the terms of this resolution;

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, John Van Der Molen	<u>AYE</u>
Councilperson, Melissa Gallo	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>		

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

3. REVIEW AND APPROVE BUDGET OFFICER TO OPEN A CHECKING ACCOUNT WITH STERLING BANK TITLED, TC-TRUST & AGENCY ESCROW-CLEARING AND GRADING.

The building permits do not include clearing and grading costs. Therefore Christine Cavaliere, Budget Officer, has requested permission to open a Checking account with Sterling Bank titled TC-Trust & Agency Escrow – Clearing and Grading to separate escrow funds that will be used for clearing and grading inspections.

Councilperson Newbold made the motion to grant permission to the Budget Officer to open a Checking account with Sterling Bank for Clearing and grading inspections. Motion seconded by Councilperson VanDerMolen.

On A Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, VanDerMolen
0 NAYS

4. INFORMATION: TOWN CLERK IS CONDUCTING A POLL OF THE TOWN CLERKS IN ORANGE COUNTY REGARDING VIDEO BROADCAST OF ALL TOWN DEPARTMENT MEETINGS.

As stated, for information only.

5. LITIGATION ORANGE COUNTY vs TOWN OF GOSHEN

Kelly Naughton, Esq. explained the following resolution pertaining to the ownership of Valley View Road and unpaid taxes.

TOWN OF GOSHEN
Resolution

RESOLUTION ENTERING A STIPULATION WITH THE COUNTY OF ORANGE IN THE MATTER OF *COUNTY OF ORANGE V. TOWN OF GOSHEN*, BEARING INDEX NO. EF010049-2017

INTRODUCED BY: Councilmember John Van Der Molen

SECONDED BY: Councilmember Kenneth Newbold

DATED: December 18, 2017

WHEREAS, there is an action pending in the Orange County Supreme Court entitled *County of Orange v. Town of Goshen*, bearing Index No. EF010049-2017, in relation to real property located in the Town, known on the Town tax map as Section 17, Block 2, Lot 1.2; and

WHEREAS, the County of Orange foreclosed upon said property for the nonpayment of taxes by an Order and Judgment of Hon. Robert A. Onofry, A.S.C.J., entered on October 14, 2016; and

WHEREAS, the Town had previously taken ownership of said property by deed recorded on March 16, 2016 in the Orange County Clerk's office.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Goshen Town Board, hereby authorizes its counsel, Burke, Miele, Golden & Naughton, LLP, to enter into a Stipulation with the County of Orange requesting that the County's deed be vacated, and the Town's deed be controlling.

BE IT FURTHER RESOLVED, that the Town of Goshen Town Board authorizes the payment of the outstanding taxes on the property in an amount not to exceed \$600 to the County of Orange.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield AYE
Councilperson, Melissa Gallo AYE
Councilperson, George Lyons AYE

Councilperson, John Van Der Molen AYE
Councilperson, Kenneth Newbold AYE

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

G. FINANCE:

Councilperson Gallo made the motion to authorize the Supervisor to pay Accounts Payable check run for 12/18/2017 amounting to \$728,122.77. Councilperson Newbold seconded the motion.

On A Voice Vote, the motion passed: 5 AYES Bloomfield, Gallo, Lyons, Newbold, VanDerMolen
0 NAYS

H. PRIVILEGE OF THE FLOOR

Ellen Guerrera asked for clarification of the well draw-down testing procedures on Old Chester Road.

Joe Papisidero asked how the decision on the solar farm will impact residents who have already installed solar panels on their homes. He had many questions for John McCarey, who has left, as to how many homes in Goshen are already solar, how many panels per home, are they owned or leased, criteria for assessment etc. There are many questions to be looked into before the Town decides how to assess solar.

Debbie Corr questioned the amount of taxing entities imposed on the homeowner. Her concerns are about solar farms *only* leasing properties and not purchasing them. Response: the homeowner has a right to lease or sell their property. State Law states that if we don't opt-out then one can enter into a 15 year PILOT where they would pay more money than the exemption. This applies to both commercial and residential. Taxation is done on a State level. Ms. Corr was disappointed as she researched different solar applications/contracts.

Wishes for a Happy, Healthy and Safe Holiday Season to all.

I. EXECUTIVE SESSION:

Councilperson Newbold made the motion to adjourn the meeting for an attorney client discussion. Councilperson Van Der Molen seconded the motion. Motion carried.

J. ADJOURNMENT: 9:00PM

Priscilla Gersbeck, Town Clerk