

**GOSHEN
TOWN BOARD MEETING
April 22, 2021
MINUTES**

A meeting of the Town Board of the Town of Goshen was held on the 22nd day of April, 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
	Ashley Torre, Esq.	Attorney for the Town
	Eric Ruscher, Director	Orange County Real Property Tax Service
	Broderick Knoell	Highway Superintendent
	Christine Cavaliere	Budget Officer
	Mary Riso	Clerk to the Supervisor
	Kirsten Santangelo	Deputy Town Clerk

CALL TO ORDER

Councilperson Lyons motioned to open the meeting at 7:30 PM, seconded by Councilperson Newbold. Motion carried.

Noted by Supervisor Bloomfield: New Business Items #3 and #4 were moved to the beginning of the meeting due to an attorney scheduling conflict. Item #3: Introduce Local Law 2-2021, A Local Law Adopting Chapter 55A of the Code of the Town of Goshen ("Dog Control"), and set a public hearing for May 13, 2021, the next Town Board meeting and Item #4: Discuss and approve the Stormwater Maintenance Agreement, Performance Bond and Cash Maintenance Bond for 2669 Rt 17M LLC and authorize the Supervisor to sign the same.

3. Introduce Local Law 2-2021, A Local Law Adopting Chapter 55A of the Code of the Town of Goshen ("Dog Control"), and set a public hearing for May 13, 2021, the next Town Board meeting.

Attorney Golden explained the reason for Local Law 2-2021. There was a complaint made to the Supervisor about a dog wandering into a neighbor's property, causing issues. It is a "Leash Law" addition to the Code, where there would be a requirement for dogs to be leashed on property that is not the homeowner's or permission from the homeowner to allow the dog(s) on their property. There are exceptions to the law for necessary sight dogs, dogs hunting on unposted land and K-9 patrol dogs. Councilperson Canterino asked if the Town has a leash law, as he believes there was one twenty years ago. There is no leash law in the Code, as per Attorney Golden and Supervisor Bloomfield. Attorney Golden will check to see if there is one presently and this local law would supersede any leash law on records if there is one.

Motion to introduce Local Law 2-2021, A Local Law Adopting Chapter 55A of the Code of the Town of Goshen ("Dog Control") was made by Councilperson Lyons and seconded by Councilperson Florio.

Councilperson Lyons noted some errors in the verbiage of the local law. He also felt that the fine (up to \$500.00) was excessive. The fee can be modified after the public hearing, as per Attorney Golden.

Upon a Roll Call Vote:

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

Motion carried 5-0.

Motion to set a public hearing for May 13, 2021 regarding a Local Law Adopting Chapter 55A of the Code of the Town of Goshen ("Dog Control") was made by Councilperson Newbold and seconded by Councilperson Lyons.

Upon a Roll Call Vote:

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

Motion carried 5-0.

4. Discuss and approve the Stormwater Maintenance Agreement, Performance Bond and Cash Maintenance Bond for 2669 Rt 17M LLC and authorize the Supervisor to sign the same.

Attorney Golden explained there are three parts to this agreement. There needs to be a Stormwater Maintenance Agreement under MS4 regulations, putting the onus of burden of maintaining the property on the owner, the Performance Bond in case the owner fails to maintain the property and the Town has the funds to maintain it as necessary, and the Cash Maintenance Bond.

Motion to approve the form and authorization of the Stormwater Maintenance Agreement, Performance Bond and Cash Maintenance Bond for 2669 Rt 17M LLC and authorize the Supervisor to sign the same was made by Councilperson Newbold and seconded by Councilperson Lyons.

Upon a Roll Call Vote:

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

Motion carried 5-0.

Old Business

1. **Information:** Water line flushing has been completed in Hambletonian Park, Heritage Estates and Stonehedge subdivisions. Water line flushing is currently underway in Scotchtown Park and Arcadia Hills and will be completed early next week.

As stated, for information.

2. **Information:** Dye checking of the Hambletonian Park sewer force main is currently being done. It should be completed by Friday, April 23rd.

As stated, for information.

- 3. Information: A citizen complaint regarding an alleged Hambletonian Park sewer spill was investigated by the NYSDEC. "No evidence of a recent overflow was noted during this inspection" as reported by inspector Ryan O'Mara. See attached report.**

As stated, for information.

- 4. Information: A building permit has been issued to Amy's Kitchen for phase 1 of their project (see attached letter dated 4/15/2021 from Neal Halloran to Anant Singh).**

As stated, for information.

- 5. Review and approve minutes of April 8, 2021 virtual Town Board meeting.**

Motion to approve the minutes of the April 8, 2020 virtual Town Board meeting was made by Councilperson Canterino and seconded by Councilperson Newbold.

Upon a Roll Call Vote:

Supervisor Bloomfield: AYE

Councilperson Newbold: AYE

Councilperson Canterino: AYE

Councilperson Florio: ABSTAIN

Councilperson Lyons: AYE

Motion carried 4-0.

- 6. Review and approve the proposed fifteen year PILOT agreement for the Urbanski Solar Project: 4.4 Megawatts of panels and 4.0 Megawatts Battery Storage and authorize the Supervisor to sign the same.**

Discussion regarding the Florida School District opting out of the PILOT agreement ensued and was clarified by Eric Ruscher of the Orange County Real Property Tax Service, as well as Attorney Golden.

Summation: The County and Town will share the monies from the PILOT. Supervisor explained that the Board has usually dealt with a more "standard" solar plan, such as the Varano project. Councilperson Canterino asked why a school district would opt out of a PILOT, when they usually receive the lion's share of PILOT monies and if there's more liability for the town. Mr. Ruscher replied that PILOT monies could affect state aid to the schools. Councilperson Lyons asked if Florida schools opt-out, what the tax ramifications? Attorney Golden explained that the "opt-out" feature means that as per the State, the value of the solar is tax-exempt but any taxing entity, such as the schools or the Town can opt out of the tax exemption and be able to tax. It can be done two ways – either by the full assessment value or by a PILOT agreement. Councilperson Canterino asked if the Town is bound to give any other solar companies looking to set up an installation a PILOT, as assessments and property values change. Attorney Golden stated that this would be a question for the State Comptroller. Further conversation continued about what the best way to continue with the way to tax and what the fair amount for the Town would be. Councilperson Lyons asked what happens in the sixteenth year – answer: the property becomes fully taxable.

Motion to approve the proposed fifteen year PILOT agreement for the Urbanski Solar Project: 4.4 Megawatts of panels and 4.0 Megawatts Battery Storage and authorize the Supervisor to sign the same was made by Councilperson Newbold and seconded by Councilperson Florio.

Upon a Roll call Vote:

Supervisor Bloomfield: AYE

Councilperson Newbold: AYE

Councilperson Canterino: AYE

Councilperson Florio: AYE

Councilperson Lyons: AYE

Motion carried 5-0.

7. Review and approve the proposed fifteen year PILOT agreement for the Varano Solar Project: 5.0 Megawatts of panels and 5.0 Battery Storage and authorize the Supervisor to sign the same.

Motion to approve the proposed fifteen year PILOT agreement for the Varano Solar Project: 5.0 Megawatts of battery storage and authorize the Supervisor to sign the same was made by Councilperson Newbold and seconded by Councilperson Florio

Upon a Roll call Vote:

Supervisor Bloomfield: AYE
Councilperson Canterino: AYE
Councilperson Lyons: AYE

Councilperson Newbold: AYE
Councilperson Florio: AYE

Motion carried 5-0.

New Business

1. Discuss and approve the Town of Goshen annual water and sewer district informational meeting to include proposed capital budget and rate charges for the next four quarters.

Summation: Supervisor Bloomfield detailed who the members of the Water & Sewer Team are, including the Board members, the Water & Sewer operator members (JCO, Inc.) and the administrative members., as well as the co-commissioners of the Water & Sewer Team in his presentation. This past year was a very busy year, after the death of Joe Klopchin (former licensed operator), the search was on to find a licensed operator for the Town. Supervisor Bloomfield described the strategic planning process that was instituted in 2006 and continues to the present, to prevent crisis issues through continuous improvement practices. He also illustrated the genesis of housing developments after World War II in Levittown, Long Island, and the subdivisions that grew in Goshen (Hambletonian Park and Arcadia Hills) and the need for water and sewer services for the residents. The Supervisor explained the alternate sources of funding for repairs and replacement of water/sewer lines, the water storage tank in Arcadia Hills, developer agreements from Heritage and ADC Maplewood, as well as the negotiations between the Town and Merlin Entertainments to replace a sewer line between Arcadia Hills to the Village of Goshen. His discussion continued with a recap of progress in 2020 and 2021, describing financial support from the Orange County Leak Testing Authority, which revealed two small leaks in fire hydrants and were fixed, a force main issue that connected Urbanski Park to Hambletonian Park that was dye tested and checked for leaks, which were fixed and paid for using parkland fees. The Town also upgraded the Hambletonian Park sewage pump with a state of the art radar- controlled sewage level indicator at a cost of \$18,800. The debt balance for the \$150,800 for replacing Section A water main was paid off by using proceeds of the Heritage Estates Developer Agreement. The pad site for the new Arcadia Hills water storage tank was surveyed and soil borings were taken; the site is ready for the new tank to be built. There has been reduced infiltration and inflow to the Hambletonian Park and Arcadia Hills sewer lines because of sewer line relining. The Town has instituted a program for residents in the water districts to pay their water/sewer bills online as of April 12th. The Town is applying for Federal and State grants to support the 2021 Capital Project Budget. A copy of the Town of Goshen Water and Sewer District Meeting notes may be obtained from the Town Clerk's Office.

Motion to approve the Town of Goshen capital budget and rate charges for the next four quarters was made by Councilperson Newbold and seconded by Councilperson Lyons.

Upon a Roll Call Vote:

Supervisor Bloomfield: AYE
Councilperson Canterino: AYE
Councilperson Lyons: AYE

Councilperson Newbold: AYE
Councilperson Florio: AYE

Motion carried 5-0.

2. Review and approve the Town of Goshen Road Program and proposed road maintenance related expenses for 2021 and authorize all Board members to sign the same.

Summation: Highway Superintendent Knoell explained the upcoming projects for 2021 with recycling. He detailed three documents presented, a 2021 Agreement to Spend Highway Funds that must be signed by all members of the Town Board and himself, a 2021 Road Improvement Summary and a 2021 Road Improvement Contingency. Superintendent Knoell explained the projects throughout the Town including recycling, reclamation, paving, milling, chip sealing, post paving work/other(signage, guiderail repair and excavator rental) and patch/t&I paving in various sections of the Town roads. He discussed the Town budget (\$1,000,000 and the CHIPS program monies) that he will confirm actual number with Senator Martucci's office and NYS DOT, as numbers differed. There were leftover funds from 2020 because the Town only used 80% of the CHIPS funds, PAVE NY and Extreme Winter Recovery. The funds will be rolled over and used this year. Superintendent Knoell asked what the Board would like to do with the contingency funds (\$426,000.00). Supervisor Bloomfield noted that due to economic factors from the Covid-19 pandemic, the Town held off on spending but felt that funds could be used this year. Superintendent Knoell explained what projects he would like worked on using the contingency funds (Axworthy Lane, Greencrest Road, Dobson Lane). Budget Officer Cavaliere explained that sales tax is continuing to come in above budget. Superintendent Knoell noted that if both the 2021 road improvements, along with the contingency funds are approved, the total amount of 10,872 tons of paving material will be used, pending vendor availability.

Motion to approve the Town of Goshen Road Program and proposed road maintenance related expenses for 2021 and authorize all Board members to sign the same was made by Councilperson Canterino and seconded by Councilperson Florio. Highway Superintendent Knoell mentioned that he needed to edit the report before all members would be signing to reflect a change using the contingency funds.

Upon a Roll Call Vote:

Supervisor Bloomfield: AYE
Councilperson Canterino: AYE
Councilperson Lyons: AYE

Councilperson Newbold: AYE
Councilperson Florio: AYE

Motion carried 5-0.

Finance

1. Discuss and approve a motion to authorize the Supervisor to pay accounts payable check run on April 22, 2021 in the amount of \$226,700.49.

Motion to motion to authorize the Supervisor to pay accounts payable check run on April 22, 2021 in the amount of \$226,700.49 was made by Councilperson Lyons and seconded by Councilperson Newbold.

Upon a Roll Call Vote:

Supervisor Bloomfield: AYE
Councilperson Canterino: AYE
Councilperson Lyons: AYE

Councilperson Newbold: AYE
Councilperson Florio: AYE

Motion carried 5-0.

2. Discuss and approve a motion to authorize the Supervisor to pay Workman's Comp claims in the amount of \$89.63.

Motion to authorize the Supervisor to pay Workman's Comp claims in the amount of \$89.63 was made by Councilperson Canterino and seconded by Councilperson Florio.

Upon a Roll Call Vote:

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

Upon a Roll Call Vote:

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

Motion carried 5-0.

4. Information: Christine Cavaliere conducted an accounts payable audit for 4/22/2021. See attached. As stated, for information.

Privilege of the Floor

Adler Family – re: Hambletonian water/sewer asked why the rates remained the same when the budget was done the last time, Heritage was only half completed. Answer: the fund balance was negative for Hambletonian Park water since 2016/2017 due to water main breaks and it was costly to fix them. Fund balance was reestablished by new homes being built and developer fees. Second question: why does Hambletonian only get 10,000 gallons compared to the other districts? To balance out the usage by others in the district who don't use as much water, to keep it fair to all.

Thomas M. – no question

Jonathan Redeker -continual issues with brown water, sediments clogging his appliances. JCO reports high levels of iron and manganese in the water. No solutions being discussed at this meeting to remedy the situation. What will be done to address the situation. More questions than answers. Answer: more flushing has occurred. A possible solution is to add chemicals to combat the situation, but the plan has to be approved by the Orange County Health Department. Mr. Redeker felt that not enough initiative has been taken to fix the situation.

Mr. Howe – disappointed that water/sewer rates at Heritage haven't dropped with increased number of participants. Will take it up with other residents of Heritage for a later time.

Jeremy Zweig – declined comment.

Wendy Bynum – asked Mary for Water/Sewer report and the Highway Maintenance report.

Hannah De Oleo – Heritage resident -was under the impression that with shared costs, there would be shared burden for the water/sewer. Will Legoland be using the same sewer system? Will there be a re-evaluation of fees owing to Legoland sharing the system? Will there be a reduction in fees? Answer: to be determined, by what the Village does. 2nd question: will there be a reevaluation earlier than at the end of the year/six months since Legoland will increase capacity in the system? To be determined, will meet with the Budget Officer at a later date.

Tom Spalange –No comment.

Brian Gallo- 1st question: will the 38 homes being built in Hambletonian Park contribute to the infrastructure ? 2nd question: he stated that they keep putting filtration systems in his home, changing a filter that's supposed to last a year every other month. Something has to change. Answer: the engineering firm employed by the Town has been tasked at looking at this situation. As for the houses, is there a plan yet about the infrastructure? No plan yet.

Samantha – declined comment.

Jonathan Redeker – stated that on this evening, April 22nd, it was told to the Hambletonian residents in February that the water and sewer meeting was going to be the meeting that answers about the issues would be answered. Answer: Once we get reporting from H2M Engineering about the steps to remedy the situation, it will be discussed.

Adjournment

Motion the adjourn the meeting was made by Councilperson Newbold and seconded by Councilperson Lyons.

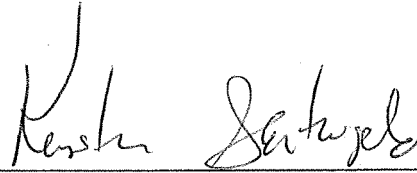
Upon a Roll Call Vote:

Supervisor Bloomfield: AYE
Councilperson Canterino: AYE
Councilperson Lyons: AYE

Councilperson Newbold: AYE
Councilperson Florio: AYE

Motion carried 5-0.

Meeting adjourned at 9:55 PM.



Kirsten Santangelo, Deputy Town Clerk