

TOWN OF GOSHEN
TOWN BOARD MEETING

January 25, 2018

MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 25th day of January, 2018 at the 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 VanDerMolen	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 7:30 pm, followed by the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

C. PRIVILEGE OF THE FLOOR (agenda items only)

Nick Gallo inquired if there was anything the town can do about parked cars along Route 17M (State Road) at the Sports Complex? This will be addressed with a resolution under New Business.

D. REPORTS:

Councilperson Van Der Molen reported the Senior Commission met 1-18-2018. They were pleased with the success of the Thanksgiving Luncheon and Palacio Holiday party. Noted for the public the Senior Center is closed on all Federal Holidays. Upcoming events are as follows: Feb. 12-Valentine's Day Pizza Party, Feb. 26-Guest speaker, Maureen Pearce will address assisting people to age at home, and on March 15-Catherine's will cater a traditional St. Patrick's Day lunch of corned beef and cabbage for \$15.00 with advanced reservations. **Councilperson Newbold** sends condolences to Bill Standish (Budget Dept.) on the recent loss of his father. The preliminary application for Town Hall energy efficient windows has been submitted to the office of Honorable James Skoufis. He is working with Al Fusco, P.E. to finalize the installment of ADA compliant doors at the parking lot level.

Councilperson Lyons reporting for the Highway Dept.: On 12/20/17 the highway dept. assisted in a water main break at Stonehedge. Preparing for the snow, branches have been cut back in the developments, cold patching done, and the checking and clearing drainage systems of debris. Sections of brush have been cut back along Owens and Arcadia Roads. The Dept. has completed a review of the entire inventory of chemicals, cleaners, oils, etc. as part of the mandatory Global Harmonization SDS requirements which replaced the MSDS regulations. On January 16th risk management completed and passed inspection of the procedures and work place as requested of our general liability insurances carrier. Snow storms occurred on 12/25, 12/30, 1/4 and 1/16 through 1/17. The January 4th storm preceded unrelenting winds that caused continual drifting for the next two days. The

January 16th storm produced only 5" of snow falling for 31 ½ hours which required enormous amounts of salt/sand. Truck repairs and maintenance have been required as part of the strain of winter snow removal. **Councilperson Gallo** reporting for JRC: At the monthly meeting, January 9th, plans were made to hold the Easter egg hunt on March 24th - location TBD. Also, during heavy snowfalls, Salesian Park will be closed to automobiles, open to foot traffic. Little League is in the preliminary stages of presenting a capital improvement project for more bleachers, safety netting and more back stops. Some interest has been generated for cooking classes for children.

Supervisor Bloomfield noted that Neal Halloran, Building Inspector, attended the meeting of Orange County Soil & Water. As part of flood mitigation this group is in charge of tree removal along the Wallkill River. One of the final projects is to remove a rock ledge located in the Wallkill River behind the Bialas home. The Bialas family along with neighbors doesn't want this done. The Town of Goshen will not give a permit to access the river from the Goshen side. To remove the rock ledge, the Town of Wawayanda will have to issue the permit to access from their side of the river. Secondly, a letter was sent to Cypress Creek Renewables to finalize the negotiated pay-in-lieu of taxes for the Davis Solar LLC farm.

E. NEW BUSINESS:

1. REVIEW AND APPROVE H2M ARCHITECTS & ENGINEERS SERVICE CONTRACT & RATES FOR 2018.

H2M Architects & Engineers submitted a revised engineering service fee schedule for their 2018 contract. Councilperson Newbold made the motion to authorize the Supervisor to sign the appropriate paperwork to accept the 2018 contract with H2M Architects & Engineers. Councilperson Gallo seconded the motion.

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

2. DISCUSS AND PASS RESOLUTION TO RESTRICT PUBLIC PARKING ON NYS ROUTE 17M NEAR THE GOSHEN SPORTS COMPLEX.

Neal Halloran, Building & Zoning Inspector, has received numerous complaints regarding parking on the shoulder of Route 17M near Arcadia Road. On event weekends, at the Goshen Sports Complex, the parking area is overwhelmed and 30-40 cars were parked on the shoulder of the road on both sides of the road. One major problem was that there was no sight distance to see oncoming vehicles in either direction, when vehicles were parked up to the driveway on either side. This has contributed to one or two recent accidents. Also, there is a concern about the lack of space for pedestrians to walk with the vehicles taking space on the shoulder. It was suggested to pass a resolution and send it to NYS Dept. of Transportation, traffic safety division.

TOWN OF GOSHEN
Resolution

REQUESTING DEPARTMENT OF TRANSPORTATION INVESTIGATE AND MITIGATE SAFETY CONCERNS RELATIVE TO
PARKING ALONG NEW YORK STATE ROUTE 17M

INTRODUCED BY: Councilperson Newbold
SECONDED BY: Councilperson Lyons
Dated: January 25, 2018

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 25th day of January, 2018, the following resolution was introduced:

WHEREAS, the New York State Department of Transportation (NYSDOT) is the agency responsible for New York State Route 17M; and

WHEREAS, there have been complaints received by the Building Department from the Town Police Department, Town residents, and others relative to the safety of pedestrians and other drivers stemming from the parking of vehicles along a certain section of New York State Route 17M in the Town of Goshen; and

WHEREAS, the Town Police Department and Building Department have reported at least two motor vehicle accidents in this location due to the roadside parking of said vehicles; and

WHEREAS, the Town Board is desirous of protecting the health, safety and general welfare of its residents and visitors.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Goshen hereby requests that the New York State Department of Transportation investigate the safety concerns raised herein in connection with the parking of vehicles on and along New York State Route 17M in the Town of Goshen, specifically between its intersections with Old Chester Road and Arcadia Road, and mitigate these safety hazards as it deems necessary by posting "No Parking" signs or other similar means to prohibit parking on and along New York State Route 17M in this area.

Upon Roll Call Vote:

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

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

F. OLD BUSINESS:

1. ISSUE A SPECIAL USE PERMIT FOR DAVIS SOLAR, LLC (AKA CYPRESS CREEK RENEWABLES) TO CONSTRUCT A TWO (2) MEGAWATT SOLAR FACILITY.

Attorney Naughton summarized the **Resolution of Conditional Approval, Special Permit for Davis Solar, LLC**. Davis Solar, LLC proposes to construct a two megawatt solar facility on an 84.88 ± acre parcel located along Owens Road, Town of Goshen. The application was originally filed in July 2017. The Planning Bd. issued a Negative Declaration on the application under SEQRA. A joint public hearing with the Town Bd. and the Planning Bd. was held on December 7, 2017, when it was closed. "The *Findings* determined that this application will not result in excessive off-premises noise, dust, odors, solid waste, or glare will not create any public or private nuisances. The Highway Dept. has confirmed that the streets accessing the property are of such width, grade, condition and location as to accommodate the present and anticipated future vehicular traffic and to facilitate fire, police, and other emergency protection. The project will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads." The property is located within the Stream Corridor and Reservoir Watershed Overlay District. A waiver was granted to change the 100-foot setback from any property line to a setback of 85 feet from the western property line. This waiver permits the applicant's 6-foot fence, with an additional 1-foot in height of barbed wire, to be installed in that location.

Attorney Naughton summarized the *Specific Conditions* and the *General Conditions* listed under the Resolution of Approval. [Resolution on file in the Clerk's Office]

Supervisor Bloomfield noted that the developer shall post a decommissioning cash bond that will equal 150% of the decommissioning and reclamation costs for the entire system. The bond must remain valid until the decommissioning obligations have been met. The bond shall be reviewed for revisions every five years.

Councilperson Van Der Molen made the motion to accept the draft **Resolution of Conditional Approval, Special Permit for Davis Solar, LLC**. Councilperson Lyons seconded the motion.

Upon Roll Call Vote:

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

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

2. DISCUSS RETURNING OF UNUSED MAINTENANCE BOND FUNDS FOR THE MEADOWS OF GOSHEN SUBDIVISION.

Attorney Naughton explained that there are no items remaining under this bond to be fixed. DM Equities/Meadows of Goshen has agreed to have the outstanding fees and payments to the town taken out of this.

TOWN OF GOSHEN Resolution

RELEASING THE CASH PERFORMANCE BOND BEING HELD BY THE TOWN OF GOSHEN IN CONNECTION WITH THE MEADOWS OF GOSHEN SUBDIVISION LOCATED ALONG MAPLE AVENUE AND GATE SCHOOLHOUSE ROAD

INTRODUCED BY: Councilperson Melissa Gallo
SECONDED BY: Councilperson George Lyons
Dated: January 25, 2018

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held at the Town of Goshen High School in said Town on the 25th day of January, 2018, the following resolution was introduced:

WHEREAS, the Town of Goshen currently holds a cash performance bond in the amount of \$130,622.91 in connection with the Meadows of Goshen subdivision, located along Maple Avenue and Gate Schoolhouse Road; and

WHEREAS, the Town Board is in receipt of a memorandum dated January 25, 2018 from the Town Attorney advising that a portion of said monies being held by the Town could be released back to the developer, David Makan a/k/a The DM Equities of New York, on the basis that various site work items had been completed, and a bond for such items was no longer necessary; and

WHEREAS, the remainder of the monies being held by the Town shall be utilized to pay the outstanding amounts due the Town consultants for work performed in connection with this subdivision.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Goshen Town Board, pursuant to the recommendation of the Town Attorney, hereby releases to the developer, David Makan a/k/a The DM Equities of New York, a portion of the cash performance bond held by the Town of Goshen in the amount of \$115,509.84;

BE IT FURTHER RESOLVED, that the amount to be released by the Town and to the Town consultants for the outstanding amounts due for work performed in connection with this subdivision is \$15,113.07.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to take whatever steps necessary to accomplish the release of the aforementioned \$115,509.84 of the cash performance bond to the developer, and to release the aforementioned \$15,113.07 of the cash performance bond to the Town for payment of Town consultants.

Upon Roll Call Vote:

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

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

3. INFORMATION: PBA NEGOTIATIONS FOR A NEW CONTRACT START JANUARY 31ST.
As stated, for information only.

G. FINANCE:

Councilperson Lyons made the motion to authorize the Supervisor to pay Accounts Payable check run for 12/18/2017 in the amount of \$221,110.78. Councilperson Gallo seconded the motion.

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

H. PRIVILEGE OF THE FLOOR:

Nick Gallo stated that there has been a hole in the middle of Cherrywood Drive for about three months. There are barricades surrounding it. He is requesting the Town Highway Dept. to please repair this hole before someone has an accident driving around it.

I. EXECUTIVE SESSION:

Councilperson Newbold made the motion to adjourn the meeting. Councilperson Gallo seconded the motion. Motion carried.

J. ADJOURNMENT: 8:15PM

Priscilla Gersbeck, Town Clerk