

**GOSHEN
TOWN BOARD MEETING**

April 8, 2021

MINUTES

A meeting of the Town Board of the Town of Goshen was held on the 8th 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
 George Lyons Councilmember
 Kenneth Newbold Councilmember

Absent: Richard Florio Councilmember

Also Present: Richard Golden, Esq. Attorney for the Town
 Sean Hoffman, P.E. Town Engineer
 Christine Cavaliere Budget Officer
 Priscilla Gersbeck Town Clerk
 Mary Riso Clerk to the Supervisor

CALL TO ORDER

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

OLD BUSINESS:

1. **Information: Dye checking of the Hambletonian force main will begin April 19 and is scheduled to be completed in four days.**

This force main conveys sanitary sewage from the pump station at Meadowbrook Lane to the Village's receiving manhole on South Church Street. The Town has notified the Village and the Orange County Dept. of Public Health. For information only.

2. **Review and approve the Conservation Easement for Davis Solar project and authorize the Supervisor to sign the same.**

Attorney Golden reviewed the Conservation Easement on the Davis Solar Project located off of Owens Road. This document places certain limitations and affirmative obligations on the Protected Property to protect wetlands, scenic, resource, environmental, and other values, and in order that the Protected Property shall remain substantially in its natural condition. This is required by the Army Corps of Engineers. This gives the right of the Town, but not the obligation, to enforce any violations with respect to the Conservation Easement.

Councilperson Lyons made the motion to approve the Conservation Easement as presented and authorize the Supervisor to sign the same. Councilperson Newbold seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

Vote: Motion carried by a vote of 4 to 0.

3. Review and approve the Monitoring Agreement for the Davis Solar project and authorize the Supervisor to sign the same.

Attorney Golden explained the Orange County Land Trust agreed to conduct all conservation easement monitoring and reporting on an annual basis. All fees involved will be paid by Davis Solar, not the Town. If there are violations, the Town will be notified. The Town will determine whether or not to enforce action on the violation(s).

Councilperson Lyons asked for clarification on the effectiveness of the on-site wetland mitigation and also questioned the acreage involved. Is it 48.952 (pg.9) or 77.05 acres (pg.12)?

Councilperson Lyons made the motion to approve the **Monitoring Agreement** subject to the acreage calculation being confirmed and for the Supervisor to sign the same. Councilperson Newbold seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

Vote: Motion carried by a vote of 4 to 0.

4. Discuss and approve the Stormwater Maintenance Agreement, Decommissioning Agreement and Escrow Agreement for Davis Solar and authorize the Supervisor to sign the same.

This agreement provides for long- term maintenance and continuation of Stormwater Control measures approved by the Planning Board. The Stormwater Control Measures shall include, but not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.

Councilperson Newbold made the motion to approve the **Stormwater Control Facility Maintenance Agreement** as presented and authorize the Supervisor to sign the same. Councilperson Lyons seconded the motion.

Discussion: Councilperson Canterino inquired if there is an escrow agreement in place. That will be addressed in the last agreement.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

Vote: Motion carried by a vote of 4 to 0.

Decommissioning Agreement:

Councilperson Canterino made the motion to approve the Decommissioning Agreement as presented and authorize the Supervisor to sign the same. Councilperson Lyons seconded the motion.

Discussion: Attorney Golden noted the operator shall post a cash deposit in the amount of \$261,212.03 with the Town into an interest-bearing account. The cash deposit shall be used solely to pay for any decommissioning costs of the project, to be reviewed every five years.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

Vote: Motion carried by a vote of 4 to 0.

Maintenance Escrow Agreement:

The Town and the Facility Owner agreed that the Stormwater Control Measures be built in accordance with the approved project plans and be maintained, cleaned, repaired, replaced and continued for the lifetime of the Project until completion of decommissioning. The Facility Owner will deposit in escrow the amount of \$3,000.00 with the Town to guarantee that adequate funds are available to provide for the operation, long-term maintenance, inspection, repair, and replacement/reconstruction of the stormwater control required by the Town Code.

Councilperson Canterino made the motion to approve the Maintenance Escrow Agreement for Stormwater Structures/Facilities as presented and authorize the Supervisor to sign the same. Councilperson Lyons seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

Vote: Motion carried by a vote of 4 to 0.

5. Review and approve a Declaration of Conservation Easement between G. John LeDioyt Irrevocable Trust dated 10/24/2017 and the Town of Goshen.

Attorney Golden explained this was a subdivision called "Lands of Dally". It was approved in 2005 and revised in 2006. Apparently, there was a Conservation Easement provided to be filed but there was no follow-up and therefore, it was never done. Mr. LeDioyt asked the Town to put this Conservation Easement in effect. Even though it burdens his land, he wanted it to be legally known the use of the property and restrictions put on the stated 11.2 acres on 89 Ridge Road.

Councilperson Lyons made the motion to approve a Declaration of Conservation Easement between G. John LeDioyt Irrevocable Trust dated 10/24/2017 and the Town of Goshen and authorize the Supervisor to sign the same. Councilperson Canterino seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

Vote: Motion carried by a vote of 4 to 0.

6. Review and approve minutes of March 25, 2021 virtual Town Board Meeting.

Councilperson Newbold made the motion to approve the minutes as corrected. Councilperson Canterino seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

Vote: Motion carried by a vote of 4 to 0.

NEW BUSINESS:

1. Review and approve a request by James McDowell, Police Chief Town of Goshen to hire Nigel Balgobin as a Part-Time Police Officer.

Councilperson Canterino made the motion to hire Nigel Balgobin as a Part-Time Town Police Officer at the current rate of pay. Councilperson Lyons seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

Vote: Motion carried by a vote of 4 to 0.

- 2. Information: The Goshen Post Office has agreed to begin delivering mail to individual homes in Heritage Estates starting Wednesday, April 7th, versus using mail boxes at the entrance to the subdivision.**

As stated, for information only.

- 3. Legalized recreational marijuana...Reference Monday, April 5th, Recordonline.com article.**

Attorney Golden noted the new law is single-spaced and 138 pages. It is a State law and therefore, the Town can't supersede this law. There is one provision which is an opt-out for local municipal governments. However, it is very narrow, with specific directives which covers dispensaries licensed by the State of New York and smoke rooms in buildings. The Town would have to pass a local law to opt-out of dispensaries and smoke rooms. Discussion covered the Town's role regarding different aspects of legalized recreational marijuana.

- 4. Information: See attached memo from Christine Cavaliere regarding copier leases.**

Christine Cavaliere explained the leases on our copier machines expire in May and June. She has researched quotes from three vendors: Toshiba (current vendor), All State Business Systems, Inc. (Konica Minolta) and Advanced Office Technology, Inc. (Kyocera). She provided a sheet detailing the three quotes. Comparing the estimates it is determined to stay with Toshiba.

Councilperson Lyons made the motion to authorize the Budget Officer to renew the leases with Toshiba Business Solutions. Councilperson Canterino seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

Vote: Motion carried by a vote of 4 to 0.

FINANCE:

- 1. Councilperson Canterino made the motion to authorize the Supervisor to pay Accounts Payable check run on April 8, 2021 in the amount of \$132,949.02. Councilperson Lyons seconded the motion.**

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

Vote: Motion carried by a vote of 4 to 0.

2. Councilperson Lyons made the motion to authorize the Supervisor to pay Workman's Comp claims in the amount of \$295.00. Councilperson Newbold seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

Vote: Motion carried by a vote of 4 to 0.

3. Councilperson Newbold made the motion to authorize the Supervisor to pay Manual A/P Runs for March 31, 2021 in the amount of \$16,630.14. Councilperson Canterino seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Rick Florio	<u>ABSENT</u>		

Vote: Motion carried by a vote of 4 to 0.

4. Information: Budget Officer, Christine Cavaliere, conducted an accounts payable audit for April 8, 2021 (attached).

As stated, for information only.

Memorial Gazebo:

The Town received drawings of a "Cultural Gazebo" which is in the planning stages to be built in Salesian Park. The gazebo will be dedicated in memory of the Village Mayor Mike Nuzzolese. It will be paid totally by contributions with no government involvement.

Discussion covered the location, size, and construction.

Attorney Golden suggested that the structure be inspected by both the Village and the Town Building Inspectors.

Also, a resolution by both the Town Board and Village Board should be passed granting approval. Attorney Golden and Attorney Donovan will meet to create identical resolutions.

Public Speakers:

Mr. Howe thanked the Supervisor for his role in getting the mail delivered to the home addresses in Heritage Estates.

Afterthoughts:

Councilperson Newbold and Councilperson Lyons noted the deterioration of black top in the playground area and the rotting concrete stations in the pavilion at Craigville Park. Councilperson Florio has been informed to follow-up with the JRC.

Councilperson Lyons is working with our insurance company to provide insurance policy options for the JRC.

ADJOURNMENT:

Councilperson Lyons made the motion to adjourn the meeting. Councilperson Canterino seconded the motion. Motion carried.

Time: 9:00PM

Priscilla Gersbeck, Town Clerk