

GOSHEN
TOWN BOARD MEETING
JUNE 10, 2021
MINUTES

A meeting of the Town Board of the Town of Goshen was held on the 10th day of June, 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 Ward-Willis	Summer Intern For the Town Attorney
	Sean Hoffman	Town Engineer
	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 Canterino. Motion carried.

Old Business

1. Information: Provide current status update on Hambletonian Park "Brown Water Study."

Sean Hoffman PE followed up with JCO and found that water samples were taken in May had very different results in the neighborhood due to inconsistency with sample methodology. Re-sampling occurred this week and engineer Hoffman explained that nine samples were taken. Once these samples have been evaluated, they will be compared to the first round samples. Town Engineer Hoffman also gave an update regarding Heritage Estates and the Arcadia Hills water tank. A meeting with Building Inspector Halloran and Highway Superintendent Knoell occurred on May 21, 2021; they created a punch-list for the developer of Heritage Estates, as well as items regarding the dedication of the roads/public infrastructure in the development. On June 2nd via videoconference, Sean and Superintendent Knoell discussed the items on the punch-list/public infrastructure/roads dedication with the developer and his consultant, Steve Esposito. Mr. Esposito estimated another week to complete the items on the punch-list and will schedule a final inspection to go over these items. Discussion about easements and water quality/ Well #6 ensued; easements are being managed by Attorney Naughton; "as built" are being discussed. Well #6 –needs additional filtration due to poor water quality. The developer is going to request that the Town Board consider bonding for water treatment for Well #6 in order for the roads to be dedicated, in the form of a performance bond. Supervisor Bloomfield asked if this well situation can be fixed, to be asking for a performance bond; Mr. Hoffman replied that it could be fixed based on a report from a consultant hired by the developer. He explained also that this would be a municipal-strength water filtering system. Councilperson Lyons would like a cash performance bond. Regarding the Arcadia Hills water tank – design for the tank is

completed but due to material delays (30 days), the tank will not be installed until October instead of September as previously indicated. An update in the progress will be given in a timely fashion.

Attorney Golden introduced Ashley Ward-Willis, a summer intern during this discussion.

2. Discuss Town Board views and desires relative to banning marijuana stores and consumption sites under an opt-out provision legalizing recreational marijuana in the Town of Goshen.

Summary: Attorney Golden provided the Town Board with a memo, detailing the steps that have to be taken to Opt-Out of legalizing recreational marijuana stores and consumption sites (smoke rooms) within the Town. There is a December 31, 2021 deadline for opting out of the recreational stores/smoke rooms. The Opt-Out is subject to a permissive referendum if the Local Law is adopted by the Town Board, giving the public time to gather a petition to change whatever the Board decides. If there's a referendum, it could be put on the general election ballot in the November 2021 election. If it's not done by a specific time, a special election would have to be held by the Town. Deadlines: if the Town Board votes to Opt-Out, the Town Board would have to introduce a Local Law at its June 24th meeting with a public hearing being held on July 8th, in order to meet the timing of the Opt-Out of the NYS Marijuana Regulation and Taxation Act (MRTA). Consequences of Opting-Out: loss of tax benefits, issues with the Village of Goshen not opting out and sales tax revenue (The Town would not be able entitled to the sales tax revenue from the Village) and if the Town voted to opt-out and later decides to opt back in, it may be years before another license would be issued after initially opting out.

Discussion: Councilperson Lyons asked how many signatures would be required for a permissive referendum? Answer: Attorney Golden replied that it would be similar to the one that the Town had with Legoland referendum but not sure of the number. Petitions would be received by the Town Clerk's Office and signatures verified with the Board of Elections. Councilperson Florio asked Attorney Golden if sales tax would be revenue for the Town? Answer: that and property taxes for the property housing the establishment. 13% sales tax, equating to 9% to the State, 1% to the County and 3% divided at the local level. Councilperson Newbold asked if the Town allows one version versus the other, does the Town lose percentage of the revenue on the taxes? Answer: Attorney Golden believes it would only be on the dispensary.

Supervisor Bloomfield asked the Board what their opinions were on the opt-out provision. He opined that he would agree with the opt-out, based on past involvement with administration of a family council dealing with crack cocaine. He saw family devastation with families and drug use, although not specifically with marijuana use. He noted his concerns for the workplace and highways with people under the influence. Councilperson Canterino agreed, and has no problem with medical marijuana. Agrees with opting out with the dispensaries and smoke-rooms. Councilperson Lyons stated that he leans toward opting out and stated that he has seen the effects of marijuana on children when he worked in education. His leading reason for opting - out is the enforcement issue and that there aren't good tests to administer to a person who may be under the influence of marijuana. He wants to see what the constituents have to say at a public hearing. Councilperson Newbold disagrees; doesn't want to lose revenue by opting out. People want marijuana and pointed to what happened when the government banned alcohol. He's against the smoke shops but is in favor of the dispensary. Councilperson Florio agreed with Councilperson Newbold; it would be a shame to lose in the revenue when people can go to another town and spend their money there. In favor of the dispensaries. Attorney Golden needed clarification from Councilperson Lyons about his position on opting-out; Councilperson Lyons replied he elects to opt-out of both the dispensary and smoke rooms. Councilperson

Newbold asked if a person in the Town could sell marijuana from a vehicle if the Town opts out?
Answer: Likely.

Introduction to this Local Law will be held at the June 24th Town Board meeting and a public hearing will take place at the July 8th Town Board meeting.

3. Discuss current use of virtual meetings for the Town Board, Planning Board, Zoning Board of Appeals, Environmental Review Board and Assessment Board of Review.

Attorney Golden stated that nothing is crystal-clear and we don't have an idea what the Governor will do with the executive order. New York Conference of Mayors (NYCOM) and the Association of Towns aren't sure either. Department of Health and other regulatory agencies guidelines as of 5/25/21 stated that 100% occupancy at in-person meetings was allowed for fully vaccinated individuals and capped at 50% occupancy for unvaccinated individuals with social-distancing and wearing of masks. This would be difficult to regulate. Cautioned about a hybrid solution for in-person meetings due to this fact. Mention of the 70% State-wide vaccination rate and opening up public was also discussed. Attorney Golden explained that decisions should be made based upon what the Governor and Department of Health mandate.

4. Review and approve minutes of the May 13, 2021 and May 27, 2021 virtual Town Board Meetings.

Motion to approve the minutes of the May 13, 2021 Virtual Town Board meeting was made by Councilperson Canterino and seconded by Councilperson Newbold.

Upon a Roll Call Vote:

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 approve the minutes of the May 27, 2021 Virtual Town Board meeting was made by Councilperson Lyons and seconded by Councilperson Florio.

Upon a Roll Call Vote:

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.

New Business

- 1. Information: On May 11, 2021, NYS Legislation was passed and signed into law by Governor Cuomo to assist residents and small businesses who are unable to pay accrued water and sewer bills due to COVID-19. The law does not eliminate a customer's obligation to pay accrued charges, but service cannot be terminated if a customer enters into a deferred payment plan with the Town (see attached notice being sent to residential and small business customers).**

Residents and small businesses have until August 31, 2021 to enter into a deferred payment plan with the Town . A letter along with the water/sewer billing will be sent to residents and will require additional information and supporting documentation in order to participate in this program. Please contact Mary Riso to enroll in this program at (845) 294-6250 ext. 1224 or mriso@townofgoshen.org.

- 2. Review request from Mike Sweeton, President of the Association of Towns, Villages & Cities, for the Town of Goshen's input in regard to continued use of authorizing off-hour centralized virtual arraignment plan (CVAP) in Orange County (see attached letter from Keith Garley, President of Orange County Magistrates Association).**

Attorney Golden described the virtual arraignment process and explained the advantages of using this system for arraignments.

Motion to allow assent of the Town Board for continued use of authorizing off-hour centralized virtual arraignment plan (CVAP) in Orange County was made by Councilperson Canterino and seconded by Councilperson Newbold.

Upon a Roll Call Vote:

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

Motion carried 5-0.

- 3. Discuss recent non-compliance situations reported by the Building Inspector regarding Town of Goshen code chapter 82A. Real Property Accoutrement Structures (see attached code).**

This is in regard to the placement of mailboxes at residents' homes. The Town Code states that mailboxes should be 10 ft. off of the road but the U.S. Postal Service (USPS) would like mailboxes closer to the road. Two residents built very elaborate mailboxes that could be knocked over when the snowplows come into this cul-de-sac. New owners aren't aware of Town Code and this may be a point for local realtors to be aware of so new owners aren't surprised by the rules.

- 4. Information: Safety Seminar has been set up for June 15 and 16. All employees and board members need to attend. It will be offered virtually. Please contact Mary Riso for attendance information (See attached).**

As stated, for information.

Finance

- 1. Discuss and approve a motion to authorize the Supervisor to pay accounts payable check run on June 10, 2021 in the amount of \$219,421.68.**

Motion to authorize the Supervisor to pay accounts payable check run on June 10, 2021 in the amount of \$219,421.68 was made by Councilperson Canterino 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

2. **Discuss and approve a motion to authorize the Supervisor to pay Worker's Comp payment in the \$4,812.88.**

Motion to authorize the Supervisor to pay Workman's Comp payment in the amount of \$4,812.88 was made by Councilperson Newbold and seconded by Councilperson Florio.

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

Additional Comments

Councilperson Lyons brought up a topic he read in the Association of Towns magazine and that the Town should have a "5G Ordinance". He also wanted to know about Energy Storage, and also congratulated Attorney Golden for being named "Man of the Year" by the Orange County Partnership.

Attorney Golden stated that the 5G law would be folding into the Town's Wireless Laws. Advised that the Town's wireless consultant should advise on this topic. Attorney Naughton is aware of the battery storage issue and will advise. Attorney Golden will contact the Town's wireless consultant for advice on the 5G issue.

Councilperson Newbold mentioned that he visited the Town Clerk, as she is recuperating at home. He commented that he has been working the State Police with their weight and scale unit on Gate School House Road. The State Police have issued tickets for overweight vehicles on that road.

Executive session

Motion to go into executive session for the purpose of considering the appointment of a particular person to a Town office was made by Councilperson Florio, seconded by Councilperson Newbold.

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 approve a resolution appointing Mary Riso as Deputy Town Clerk for the Town of Goshen 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

Privilege of the Floor

Jeremy Zweig – noted that marijuana law; opt-out is only for retail store fronts and on-site consumption licenses. Delivery services will still be allowed in the Town, as well as delivery services based from Goshen and micro-businesses. Licenses will be distributed first to disabled veterans and distressed farmers. Mentioned the grow operation in Warwick, which is for medical marijuana now but will pivot to recreational marijuana one day in the future.

June Evers – thanked Councilperson Newbold for his help with overweight vehicles on Gate Schoolhouse Road and Maple Avenue.

Brad Barnhorst – thanked the Town Board for the work they put in.

Adjournment

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

Upon a Roll Call Vote:

Supervisor Bloomfield:

AYE

Councilperson Newbold:

AYE

Councilperson Canterino:

AYE

Councilperson Florio:

AYE

Councilperson Lyons:

AYE

Motion carried 5-0

Meeting adjourned at 9:32 PM.

Kirsten Santangelo, Deputy Town Clerk