

TOWN OF GOSHEN
PUBLIC HEARING & TOWN BOARD MEETING
AUGUST 25, 2016
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 25th day of August, 2016 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
John VanDerMolen Councilmember

Absent: Kenneth Newbold Councilmember

Also Present: Richard Golden, Esq. Attorney for the Town
Robert Rametta, Esq. Special Counsel, Tax Certiorari/Claims
Dennis Caplicki Special Counsel, Al Turi Tax Litigation
Dennis Lindsay, P.E. Town Planner & Engineer
Priscilla Gersbeck Town Clerk

A. CALL TO ORDER

The meeting was called to order by Supervisor Bloomfield at 7:31pm, followed by the Pledge of Allegiance. A moment of silence was observed for the passing of William Carberry who was active in the community.

B. AMENDMENT TO THE AGENDA

C. PRIVILEGE OF THE FLOOR (agenda items only)

A comment was made on the length of the moratorium regarding Local Law #4. The request to the Town Board was not to extend the moratorium and to pass Local Law #4 without delay.

D. PUBLIC HEARING:

**(1) REGARDING APPLICATION OF FRONTIER COMMUNICATIONS OF NEW YORK,
INC. FOR A NON-EXCLUSIVE CABLE TELEVISION FRANCHISE FOR THE TOWN
OF GOSHEN.**

Councilwoman Gallo made the motion to open the public hearing on the application of Frontier Communications Inc. Councilman Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, VanDerMolen
0 NAYS
1 ABSENT Newbold

Deb Bogdanski, General Manager - NY South, for Frontier Communications addressed the Board thanking them for giving Frontier Communications the opportunity to present their video/cable franchise application. Mrs. Bogdanski responded to three concerns raised by Charter Communications Inc., the incumbent, (1) "Frontier agrees to make available for free the complimentary service to one outlet at each of the locations presented by the

Town (2) Frontier agrees to the same five percent franchise fee to which the incumbent previously agreed and (3) relates to Frontier's planned market-success build out plan". She explained Frontier's commitment to the people/employees, regions of the service and acquisitions.

Jack Phillips, Director-Government & External Affairs, spoke about the technology, platform, interactive network and features available. The TV based service uses IP technology - riding on the existing infrastructure. Using media-room software platform, Frontier is capable of broadcasting in standard definition, high definition and ultra-high definition. A favorite tech-feature is the set-top-box which is wired to the network and all of the other TV boxes are wireless/moveable. To summarize the power point presentation, Mr. Phillips reviewed programing, DVR recording, pay-per-view, unified search capability, video-on-demand library, series programing, set your I-Phone or I-Pad to program your DVR recorder, able to interface with the internet – social media, Facebook etc.

In conclusion: Frontier Communications will use the existing infrastructure, offer a competitive option in the marketplace, free cable service to public buildings and within the first 2 years of construction will be able to serve 50% of the Township currently served. This franchise application is offered to the Town. The Village is a separate franchise, currently under negotiations.

Councilman Lyons asked questions of the agreement resulting in changes to section 15 B and section 20 F.

Councilman VanDerMolen motioned to close the public hearing on the application of Frontier Communications Inc... Councilwoman Gallo seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, VanDerMolen
0 NAYS
1 ABSENT Newbold

Councilman Lyons made the motion to approve the application of Frontier Communications of New York, Inc. for a non-exclusive cable television franchise as submitted with the changes to Section 15 B and Section 20 F. Councilwoman Gallo seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson Kenneth Newbold	<u>ABSENT</u>
Councilperson Melissa Gallo	<u>AYE</u>	Councilperson John VanDerMolen	<u>AYE</u>
Councilperson George Lyons	<u>AYE</u>		

Motion Passed 4 to 0

E. REPORTS:

Councilwoman Gallo reported on the Joint Parks & Recreation. The Castle Field has been improved and ready for Little League games. She will address the signage for the Goshen Dog Park at Salesian Park in agenda item #4.

Councilman Lyons reported for the Highway Dept. chip sealing on Scolza Terrace, Milburn Rd., Vetri Rd., Moonlight Trail, Lakeview Drive, Ward Rd., Wood Rd., part of Old Minisink Trail, Fairway Drive, Avalon Drive, and Cameron Lane have been completed. Houston Road has a few more weeks before completion. Inspections/repairs to catch basins are 50 % completed. The Durland Road culvert is completed, and the Coleman Road culvert will begin shortly.

Councilman VanDerMolen reported that the Senior Center Commission had a meeting today for discussion to replace Ellen Teatum- Senior Center Coordinator, who recently resigned, with Bonnie Mayefsky. Bonnie is no stranger to the Senior Center, she has assisted Ellen with many projects.

The Village and the Town will contribute equally \$25,000, same amount as last year, to the Senior Center 2017 budget. Activities include: Salad & Sandwiches – Sept. 26th, Caribbean Cruise meeting on Sept. 27th, hosting an AARP Defensive Driving class - Oct. 5th, and a Sands Casino trip on Nov. 2nd.

Supervisor Bloomfield explained the three phase power to be installed for Heritage Estates, a 77 home subdivision off old Chester Rd.

On another note: It was suggested that our Building Inspector schedule meeting representatives from the Chamber of Commerce to introduce them to the constant growth/construction in the Town of Goshen and to familiarize them with the physical borders between the Town and neighboring municipalities.

In a meeting with Dennis Lindsay and Neal Halloran, the proposed Local Law #4 was updated. They reviewed every comment recorded at the public hearing, submitted on paper, and literature from the solar industry.

F. OLD BUSINESS:

1. CONDUCT REVIEW OF LOCAL LAW #4 OF 2016 AMENDING CHAPTER 97 OF THE CODE OF THE TOWN OF GOSHEN FOR WIND AND SOLAR ENERGY SYSTEMS

Dennis Lindsay, PE, reviewed proposed changes to Local Law #4. He distributed a draft of Local Law No. 4 showing "red-lined" changes. The changes are a result of comments from the public, Planning Board, Orange Co. Dept. of Planning, some solar companies, property owners, and Town Board members. In a memorandum to the Supervisor & Town Board, Mr. Lindsay, PE, reviewed a list of 15 items worthy of note, proposed revisions, to Local Law #4. [Copy is available in the Clerk's Office] The Board Members will review the documents presented for the September 6th meeting.

2. DISCUSS AND APPROVE RESOLUTION TO SETTLE N.Y. FARMS TAX CERTIORARI

Attorney Rametta, Esq. summarized the settlement for New York Farms, LLC and Goshen Land Company, LLC, both the same property, tax certiorari. The settlement, pertaining to the 154 acre parcel, involves conditional approvals and an agriculture exemption. There will be no refunds due, the change in the assessment will be reflected in the roll back taxes that each tax payer will pay when each lot is built out. There are 77 approved lots.

**TOWN OF GOSHEN
RESOLUTION**

**Settling of Tax Certiorari Claims;
New York Farms, LLC v. Town of Goshen &
Goshen Land Company, LLC v. Town of Goshen
Section-Block-Lot: 8-1-9.22**

INTRODUCED BY: Councilman George Lyons

SECONDED BY: Councilman John Van Der Molen

DATED: August 25, 2016

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 August, 2016;

WHEREAS, claimant, New York Farms, LLC, having commenced a tax certiorari proceeding against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for the 2014 assessment year bearing Orange County Index Number 2014/5935 and claimant, Goshen

Land Company, LLC, having commenced a tax certiorari proceeding against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for the 2016 assessment year bearing Orange County Index Number 2016/4338; and both proceedings relate to the same property (SBL: 8-1-9.22);

WHEREAS, it appears from the recommendations of the Arnold Silver, Town Assessor, and Robert M. Rametta, Esq., Special 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 matters, as more fully set forth below, is reasonable and in the best interests of the Town; and

WHEREAS, both claimants, New York Farms, LLC and Goshen Land Company, LLC, are willing to settle these proceedings without refund, interest, costs or disbursements, in the following manner: As set forth in annexed Stipulation Discontinuing Action and Consent Order, and;

NOW, BE IT THEREFORE RESOLVED, that the proposed settlement as set forth and described above and as set forth in the annexed Stipulation Discontinuing Action and 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 DerMolen	<u>AYE</u>
Councilperson, Melissa Gallo	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>ABSENT</u>
Councilperson, George Lyons	<u>AYE</u>		

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

3. INFORMATION: STERLING NATIONAL BANK HAS WITHDRAWN THEIR TAX CERTIORARI
As stated, for information only.

4. REVIEW PROPOSAL TO NAME GOSHEN DOG PARK IN MEMORY OF PAUL E. WRIGHT
Councilwoman Gallo, liaison to Joint Parks & Recreation reported the request to approve signage naming The Goshen Dog Park – Welcome - in memory of Paul E. Wright, Goshen's Music Man.

Councilwoman Gallo made the motion to approve the Goshen Dog Park signage as presented in memory of Paul E. Wright, Goshen's Music Man. Councilman Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, VanDerMolen
0 NAYS
1 ABSENT Newbold

5. AUTHORIZE THE SUPERVISOR TO PEN A LETTER TO THE DEC REGARDING AMY'S KITCHEN/SCIENCE OF THE SOUL PROJECT CONSERVATION EASEMENTS

Supervisor Bloomfield noted two items regarding this project's Conservation Easement.

(1) The construction of the access road and bridge will cause greater removal of vegetation with the potential to impact species habitat. Hopefully, the Strong Farm will be a suitable habitat for the Indiana Bat and the Northern Long-Eared Bat. (2) The Town gives unconditional support to the proposed entrance road to the Amy's and Science of the Soul facilities from NYS Route 17M and the proposed bridge across the Walkkill River.

Councilwoman Gallo made the motion to authorize the Supervisor to pen a letter to the NYSDEC-Region 3, regarding Amy's Kitchen/Science of the Soul project conservation easements. Councilman Lyons seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, John VanDerMolen	<u>AYE</u>
Councilperson, Melissa Gallo	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>ABSENT</u>
Councilperson, George Lyons	<u>AYE</u>		

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

G. NEW BUSINESS:

1. REVIEW SCHEDULE FOR TOWN OF GOSHEN 2017 BUDGET

The Tentative Budget will be presented to the Town Board 10/11/16. The Preliminary Budget will be filed with the Town Clerk 10/21/16. The Public Hearing to adopt the budget will follow.

2. REVIEW INFORMATION REGARDING COMPLAINTS OF BOCES STUDENTS PARKING ON CARA COURT

BOCES doesn't have enough parking spaces for the students who drive. Therefore, some of the students have been parking on Cara Court. Complaints have been made about litter remaining from students parking and the unsafe conditions of students walking along Gibson Road to BOCES. Councilman VanDerMolen reported that parking on any Town Road is prohibited. However, a "No Parking" sign will alert the students not to park on Cara Court and to enforce the law.

Councilman VanDerMolen made the motion to authorize the Highway Dept. to place a "No Parking" sign on Cara Court. Councilman Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, VanDerMolen
0 NAYS
1 ABSENT Newbold

H. FINANCE:

Councilwoman Gallo made the motion to authorize the Supervisor to pay Accounts Payable check run for 08/25/2016 amounting to \$100,849.16. Councilman Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, VanDerMolen
0 NAYS
1 ABSENT Newbold

I. PRIVILEGE OF THE FLOOR:

Discussion covered: The benefits of the Chamber working with Neal Halloran, an accessory use on solar farms, opening date of the dog park, Legoland pros & cons and a recent survey in the Independent paper.

J. EXECUTIVE SESSION:

Councilwoman Gallo made the motion to enter into Executive Session to discuss the following:

1. REVIEW CRAIGVILLE ASSOCIATES TAX CERTIORARI
2. DISCUSS FIRST GROUP WAREHOUSE TAX CERTIORARI
3. DISCUSS MORITZ LITIGATION STATUS
4. DISCUSS O.C. SOIL & WATER FLOOD MITIGATION PLANS & POTENTIAL LITIGATION

with the intent not to return. The motion was seconded by Councilman Lyons. Motion carried.

K. ADJOURNMENT: 9:55pm

Priscilla Gersbeck, Town Clerk