

**TOWN OF GOSHEN  
TOWN BOARD WORK SESSION  
January 23, 2012**

**AGENDA**

**ITEMS FOR DISCUSSION:**

- 1. REVIEW THE PERSON SUBDIVISION OPEN SPACE CONSERVATION EASEMENT PROPOSAL**
  
- 2. REVIEW AND APPROVE A PROPOSED MEMORANDUM OF AGREEMENT FOR THE PERIOD 12/31/2010 THROUGH 12/31/2012**
  
- 3. ACCEPT ROBERT LERCARA' S RETIREMENT FROM THE POSITION OF DEPUTY HIGHWAY SUPERINTENDENT, EFFECTIVE JANUARY 11, 1012**
  
- 4. RESOLUTION: OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS**
  
- 5. AUTHORIZE SUPERVISOR AND OTHER ELECTED OFFICIALS TO SIGN OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS**

**ADJOURNMENT**

**EXECUTIVE SESSION:**

- 1. POLICE DEPARTMENT – PERSONNEL PROPOSAL**
  
- 2. DIAL-A-BUS COST REDUCTION REVIEW/NEGOTIATIONS**

**TOWN OF GOSHEN**  
**TOWN BOARD WORK SESSION**  
**January 23, 2012**

**MINUTES**

A Work Session of the Town Board of the Town of Goshen was held on the 23<sup>rd</sup> day of January, 2012 at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York

Present:	Douglas Bloomfield	Supervisor
	Philip Canterino	Councilman
	Louis Cappella	Councilman
	George Lyons	Councilman
	Kenneth Newbold	Councilman

Also Present:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:30 p.m., and he led the Pledge of Allegiance.

ITEMS FOR DISCUSSION:

**1. REVIEW THE PERSOON SUBDIVISION OPEN SPACE CONSERVATION EASEMENT PROPOSAL:**

Supervisor Bloomfield explained that this is open space that is set aside, per our code, so that the other homes can be clustered in a high density subdivision. He said he would like to lead the Board through the proposal to see if there are any deletions or additions the Board would like added or deleted. Attorney Robert Dickover, representing the Persoon subdivision, and Hans Persoon approached the board. Supervisor Bloomfield asked if any of the Councilmen would like to express their concerns.

Councilman Lyons, questioned page 1, and the number of parcels stated in the second WHEREAS- 27 parcels. He said he understood there might not be 27 parcels, and asked if a plus or minus should be inserted here so that the Board is not locked into 27 parcels? Attorney Caplicki answered he did not see a problem doing that. Attorney Robert Dickover, representing the Persoon subdivision, addressed the question stating "that the references to the Conditional Final Subdivision Approval of January 7<sup>th</sup>, which was to divide it into 27 parcels, is there for reference purposes only, it does not tie you into 27 lots."

Councilman Lyons stated that at the Thursday night Planning Board Meeting, Attorney Rick Golden mentioned that the Planning Board has a Conservation Easement that they use on a regular basis, and we might like to look at the one the Planning Board has. Attorney Caplicki said the Supervisor had looked at that.

Councilman Lyons referred to page two, Restrictions Applicable to the Conserved Premises, and said he saw no restrictions for storage of cars or trucks, and there are a lot of items not allowed unless they are involved with agriculture, and there are a lot of things involved with agriculture. He said he would like that portion to be tightened up. Councilman Lyons also stated there is an access road mentioned on page four and he felt this could be a problem. He asked for an explanation of two legal phrases on page five, and Attorney Caplicki addressed them, it was decided that some of the language would be changed or corrected. He asked if the Town had the proper insurance coverage, and Attorney Caplicki replied yes.

Councilman Lyons referred to #4 on page six: Engaging in and permitting tenants or licensees to engage in any and all forms of farming and agricultural operations, drilling of water wells, etc. He said he considered this a major problem. He referred to the Legal Description and asked who would check it to be sure it is accurate, and who files it. There was a brief discussion, and Attorney Dickover said that this Conservation Easement will not be filed unless this parcel is sold to the prospected purchaser, they are aware of it and it will be filed simultaneously with the deed to that purchaser that requires the document be signed by the Supervisor, and Mrs. Persoon and taken to the real estate closing, where it will be held in escrow, and not deliver it nor file it unless the closing actually takes place. It then will be given to their title company and filed simultaneously with the deed.

Attorney Caplicki assured Councilman Lyons that this would be addressed.

Supervisor Bloomfield said for the applicants and everyone here, the Town of Goshen has purchased a number of parcels for open space, he thought four. He said he had negotiated a number of these, and the Board has been involved in all of these. He said all were farms, all open space purchased with taxpayer money. The Supervisor said that what the Board has tried to do is, even if it is an agricultural business, it can't go beyond what we have on this piece of paper. We have specified on our Conservation Easement where the buildings will be, no wind or solar farms, removal of water to be sold to any other use besides what is on the farm, etc.

Supervisor Bloomfield said the associated farm business that Councilman Lyons referred to earlier, "anything deemed ok by Ag & Markets", is not what we want. He said you could put in a big warehouse to sell or repair tractors, the Code is for open space, to allow for the cluster of homes. He addressed Attorney Caplicki saying that these are the things that need to be addressed so that it is consistent with the other Open Space purchases. Attorney Caplicki said it could be done.

Attorney Dickover stated that he has a fundamental problem with this. He said what you are describing is a negotiated purchase of development rights where you made a monetary payment to these landowners. "That is fundamentally different from your Code requirements that space be dedicated for Open Space." "When you start taking a person's right to, in those documents that we are all familiar with, where you restrict the right to put up a cell tower or restrict the right to drill for minerals or for water, etc., you negotiated and paid someone for those rights." He said that is different from negotiating for clustering.

There was a brief discussion on various other parcels that were given to the Town, and other parcels that were given to the Town for open space. Jerry Boss, a resident of Goshen, said he was familiar with the owner of one of the parcels given to the Town, "there were many prohibited things in that contract such as no hunting, no ATVs, could not walk on it, could not do anything on it."

Supervisor Bloomfield said these were the Open Space projects he based this one on. Attorney Dickover stated that was when people were giving you parcels voluntarily and giving the Board

what it wanted. He said here we are dedicating Open Space for the purpose of keeping it for agricultural use, if you are telling me you are fundamentally opposed to keeping this property for agricultural purposes we are wasting our time here.

Supervisor Bloomfield stated when the Code was put together the Board wanted it to be Open Space. Attorney Caplicki stated he did not know what the format was for the Planning Board. Attorney Dickover said that Rick Golden, the Planning Board Attorney has approved this plan.

Councilman Canterino stated that every subdivision has to provide a certain amount of Open Space. He said you are deviating from the normal Open Space, and also want to deviate the time you want to give us the Open Space. You have not closed on the property, you do not have final approval, you have not built, primarily that Open Space has nothing to do with the sale. You are asking us to do this to help move the sale along, however you do not want our restrictions. He said it is not the norm to sell part of an Open Space area.

Attorney Caplicki asked Attorney Dickover if there was some particular problem here so that we can get to a point where the Board is comfortable with what is being done, or what may eventually show up on this property.

Attorney Dickover stated that what he is hearing is that this property is basically going to end up just Open Space. He said it appears that it will end up just something to look at. He said we have a buyer for this property, willing to buy it subject to this Conservation Easement allowing them an agricultural operation, which should be consistent with this Board's desire to keep this Open Space.

There was a lengthy discussion about what the Board would like, and what would be needed for the sale of the property. Councilman Newbold worried about what would happen to the property if the agricultural business planned should fold. The Board discussed other such businesses that have failed. Attorney Dickover offered various concessions and clarifications on his part, and the Board agreed or disagreed on them, till they came to a compromise on the entire document.

Attorney Caplicki and Attorney Dickover will revise the current agreement and bring it back for final approval by the Board.

**2. REVIEW AND APPROVE A PROPOSED MEMORANDUM OF AGREEMENT FOR THE PERIOD 12/31/2010 THROUGH 12/31/2012:** Supervisor Bloomfield explained that he and Councilman Canterino have been negotiating with the members of the CSEA for some time. Supervisor Bloomfield started to review the Resolution with the Board, but moved it to Executive Session, since some of the Board Members had not had a chance to review it.

**3. ACCEPT ROBERT LERCARA'S RETIREMENT FROM THE POSITION OF DEPUTY HIGHWAY SUPERINTENDENT, EFFECTIVE JANUARY 11, 2012:**

Councilman Cappella made a Motion to accept Robert Lercara's retirement effective January 11, 2012. The Motion was seconded by Councilman Canterino. The Supervisor stated that Mr. Lercara will certainly be missed, and has always been an asset to the Town. Councilman Newbold stated

that when Mr. Lercara had a job to do he did it. He wished Mr. Lercara and his wife the best in the years to come. Councilman Cappella added that Bob was always respected by his fellow workers. Councilman Canterino suggest a letter be sent to Mr. Lercara to thank him for all the years of service. Motion carried 5 to 0.

Councilman Cappella made a Motion to authorize the Supervisor to send a letter of acknowledgement to Mr. Lercara upon his retirement. The Motion was seconded by Councilman Canterino. Motion carried 5 to 0.

**4. RESOLUTION: OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS:** Attorney Caplicki explained that an Official Undertaking of Municipal Officers is really like a bond, and states that the elected officials are insured and bonded to handle taxpayer monies.

**TOWN OF GOSHEN  
RESOLUTION**

**OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS**

INTRODUCED BY: Councilman Kenneth Newbold  
SECONDED BY: Councilman George Lyons  
Dated: January 23, 2012

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 23<sup>rd</sup> day of January, 2012;

**WHEREAS**, various sections of the state Town Law and Public Officers Law require that certain municipal officials execute an Official Undertaking, and

**WHEREAS**, it is required by law that the Town Board of the Town of Goshen approve the Official Undertaking as to its form and manner of execution and the sufficiency of the insurance; and

**WHEREAS**, the Town Board of the Town of Goshen hereby requires the Supervisor, Town Clerk, Receiver of Taxes, Town Justices, Highway Superintendent to execute said Official Undertaking as required by said law;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Goshen approve the document entitled "Town of Goshen Official Undertaking of Municipal Officers" as to its form and manner of execution and the sufficiency of the sureties to indemnify the Town of Goshen against losses which may arise from failure of such officials to properly discharge their duties, and

That the Supervisor and the other elected officials be authorized to sign the Official Undertaking of Municipal Officers.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	AYE	Councilman, Philip Canterino	AYE
Councilman, Louis Cappella	AYE	Councilman Kenneth Newbold	AYE
Councilman, George Lyons	AYE		

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

Supervisor Bloomfield asked if anyone had any other business, there was no response. Councilman Cappella made a Motion to adjourn the meeting, and go into Executive Session to discuss:

- 1. POLICE DEPARTMENT – PERSONNEL PROPOSAL**
- 2. MOA-CSEA**
- 3. DIAL-A-BUS COST REDUCTION REVIEW/NEGOTIATIONS**

with intent not to return. The Motion was seconded by Councilman Lyons, Motion carried unanimously.

Time: 8:20 p.m.

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Valma Eisma, Town Clerk