

TOWN OF GOSHEN
TOWN BOARD WORK SESSION
February 11, 2013

MINUTES

A Work Session of the Town Board of the Town of Goshen was held on the 11th day of February, 2013 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
	George Lyons	Councilman
	Kenneth Newbold	Councilman
	Louis Cappella	Councilman

Also Present:	Kyle Roddey	Village Mayor
	Dustin Hausner	Assemblyman Skoufis' s Representative
	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

The Meeting was called to order by Supervisor Bloomfield at 7:30, and he led the Pledge of Allegiance. The Supervisor introduced Dustin Hausner, representing Assemblyman James Skoufis's office. He said they will try to come to some of our Town Board meetings in the future to hear some of the concerns of the public, and to see if they can help.

ITEMS DISCUSSED:

1. DISCUSS PETITION BY GURDA GARDENS, LDT: Supervisor Bloomfield explained that the petitioner is asking to rezone 271 Maple Avenue, Section 19, Block 1, Lot 95.21 from RU, (Rural) to SM (Soil Mining),

John Cappella, Attorney with Jacobowitz & Gubits, addressed the Board stating that he was here tonight with Tim Moot., engineering consultant from Clark Patterson, on behalf of Gurda Gardens, LTD., and Wayne Gurda. He explained the petitioner is asking to rezone 271 Maple Avenue, Section 19, Block 1, Lot 95.21 from RU (Rural) to SM (Soil Mining). He said the parcel is located on the intersection of Maple Avenue and Cedar Swamp Road, he proceeded to show the Board the location on the map.

Attorney Cappella explained that over the years this parcel (a portion of it) was mined, with a permit from the DEC. He said the Gurda family would like to continue the mining operation, to finish the gradual expansion of it, and level off the property. He stated the mining operation has been going on since some where in the 60s. Attorney Cappella went on to explain the zoning and the legal aspect of the current zoning, and how the soil laws have been expanded at length. He than introduced Mr. Moot who reviewed the map with the Board showing the layout of the operation.

Mr. Moot explained that he has worked with the Gurdas for ten years maintaining their valid DEC permit that covers approximately 13 acres. He said they applied to the DEC for an expansion in 2008, but in doing SEQRA the application was flagged by the Town as a non conforming use. He said they want to move forward on that application now, but before doing so they would like to confront the Town Zoning situation first. He stated the petitioner does not want to spend more money, if the Town Board will say no later. Mr. Moot explained the operation, and where they would be going with it moving forward.

Mr. Moot and Attorney Cappella answered the Boards questions in reference to how much mining would be done, the effect on the neighborhood and the environment. The Board was concerned with the

amount of material they were looking to remove (640,000 tons) from the property, and the effect the operation would have on the roads as a result of the heavy truck traffic.

The Board decided the best way to move forward was for the Board to visit the site to give them a better understanding of the project. Arrangements will be made to set a date, convenient for the Board, and all of the other interested parties. Attorney Cappella suggested the Board wait a couple of weeks, hopefully for the snow to be gone, and he will coordinate everything with the Building Inspector.

2. VILLAGE REQUEST FOR ANNEXATION: Supervisor Bloomfield stated he will address this later in the meeting.*

3. REVIEW REQUEST BY THE GOSHEN ZONING BOARD OF APPEALS TO CHANGE TOWN CODE (97-40(E) REGARDING HEIGHT OF FENCES AT THE PROPERTY LINE.

Building Inspector Neal Halloran explained that two applicants have come forward wanting to build a higher fence, than the current zoning allows, to discourage deer from invading their property, and destroying their landscaping. He stated the current zoning is six feet maximum on the property line, if they would like a higher fence it must be approximately twenty five feet off of the property line. In this case the owner loses the use of some of their property.

There was a lengthy discussion on what type of fencing would be used, and the reactions from the neighbors. Most of the fences discussed were see-through fences, not stockade like. The Board did not like the fact that if the fence was over six feet it would have to be placed twenty five feet off of the property line, they did not feel that was a fair request.

Since a change in the fencing will mean changing the Local Law, it was decided that the Board would like to know what other municipalities are doing, and address it when we have that information.

4. REVIEW JRC PLANS FOR BASEBALL FIELD DRAINAGE IMPROVEMENTS AT CRAIGVILLE PARK REQUESTED BY GOSHEN LITTLE LEAGUE: Councilman Lyons addressed the Board saying he met with Al Fini today, and tomorrow is the monthly meeting of the JRC. He said Jay Crawford will appear at that meeting and explain the proposal. The Board will wait for a report from Councilman Lyons and address the proposal on Thursday.

5. REVIEW THE 2012 VILLAGE OF GOSHEN SEWER CHARGES FOR HAMBLETONIAN PARK AND ARCADIA HILLS SEWER DISTRICTS AND AUTHORIZE THE BUDGET OFFICER TO PAY THE SAME: Supervisor Bloomfield referred to an analysis he did to compare 2011 to 2012. He said he did it remembering Hurricane Irene, and Tropical Storm Lee, but he said the news was good. He said that in Hambletonian Park the amount of sewage that we delivered to the Village, was 52.5% less than 2011. He said the invoice is 30.5% less.

He said Arcadia Hills delivered 37.9% less sewage, and that the total bill is 9% less. The Supervisor explained that a lot of these savings were due to the amount of infiltration that has been discovered and corrected.

Councilman Newbold made a Motion to authorize the Budget Officer to pay the Village of Goshen sewer charges for Hambletonian Park and Arcadia Hills Sewer Districts. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

6. CONTINUE DISCUSSION OF THE TOWN OF GOSHEN TOW POLICY: The Board discussed this at several other meetings, and discussed it at length again, the Board's main concern is the safety of all involved. Alan Lipman, attorney representing one of the towing companies, said all companies should be considered individual companies, and he did not know if the police choose the company, if it will be fair

to all the companies on the list. Attorney Caplicki will consult with other municipalities hoping to find a solution.

7. DISCUSS PROPOSED CHANGES BEING MADE BY GOVERNOR CUOMO TO LIMIT ABILITY OF LOCAL GOVERNMENTS TO PLEA BARGAIN TICKETS AND FOR ADDING AN EIGHTY DOLLAR SURCHARGE FOR EACH VIOLATION PROCESSED: Supervisor Bloomfield stated that many times when tickets are pleaded down, the court receives more of the money than the state. If they are not pled down, the state receives more of the money, and there is already the eighty dollar surcharge.

The Board feels this is not fair to the Town or the public, and it was decided that a Resolution should be drawn up stating this for Thursday's meeting, and sent to the Governor stating the Board's disapproval.

8. REVIEW RECENT INFORMATION REGARDING ASBESTOS REMOVAL FROM THE SALESIAN SCHOOL BUILDING: Councilman Lyons reported he would like to thank Paul Rodriguez, from Quest, for all the work he did. He said Mr. Rodriguez found four people interested in the asbestos abatement and demolition of the Salesian building. He received three proposals, the fourth one did not submit. He wrote up specific specs for the job, (free of charge) as the Board did not want to spend a lot of money putting the project out for a formal bid, only to find neither the Town or Village would have the money to do the job.

Councilman Lyons reported the various amounts from the three companies, giving different prices for each phase. He said the result of all the bidding would indicate the cost to demolish the building would be at least one million dollars, and probably a little above that. Councilman Lyons stated that at least the Town and Village Boards, as this would be a combined endeavor, would have something to base their decision on should they be able to do it going forward.

9. ST. PATRICK'S DAY PARADE REQUEST: Supervisor Bloomfield explained that the Parade Committee has asked for two Police Officers from the Town to help in controlling and directing traffic, etc. The Board decided to allocate the two officers, to be paid for by the Parade Committee. Councilman Canterino will contact Sergeant Faust to confirm this.

***2. DISCUSS VILLAGE OF GOSHEN REQUEST TO ANNEX VILLAGE OWNED PROPERTY, LOCATED IN THE TOWN, KNOWN AS GOSHEN CROSSING:** Supervisor Bloomfield asked Village Mayor Kyle Roddey to join the Board. Mayor Roddey explained that this is the property that housed the Village landfill for a number of years, and was removed last year. He stated the Village would like to put this property back on the tax rolls. He said there is a problem in that the Town owns a portion of the property. The Mayor said he was here tonight to ask the Town Board to approve an annexation of the Town property into the Village. He stated it is a rather large piece, however the part that would be build able is really quite small. He referred to the map to show the Board how the properties are laid out, and what sections would be viable to build on. The Mayor stated the best use for the property would be warehouses.

Councilman Canterino expressed he would not want to spend taxpayer money to provide a shovel ready piece of property that might attract a buyer. He stated that in the past an annexation was done for a similar project, and the project was never developed. He said also he did not want to set a precedent that others could use for annexation.

The project was discussed at length, and the Board decided that they need time to study this, and see if the annexation should be a total one or allowing the annexation of just the part the Village would need to pursue the sale of the land.

10. Building Inspector Halloran reminded the Board that they are responsible for approving the names of new roads. He asked that they consider two new names for the roads in the A & L Acres development. One name is Chief's Way, and the other is Paradise Valley Lane, and the Building Inspector said they have been approved by 911. Supervisor Bloomfield asked Inspector Halloran to convey the information to the attorney so that he can prepare a Resolution for Thursday's meeting.

Councilman Newbold made a Motion to adjourn the meeting, and go into Executive Session, with intent not to return, to discuss:

1. Tax Certiorari Update
2. P.D. Personnel Case Update
3. Review Status of Faith, et al, v Town of Goshen et al Lawsuit; and
4. Maplewood Subdivision- Pending Litigation.

The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Time: 9:25 p.m.

Valma Eisma, Town Clerk