

TOWN OF GOSHEN
TOWN BOARD MEETING

June 11, 2015
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 11th day of June, 2015 at the 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:	John Swift	Special Counsel to Town Board
	Kelly Naughton	Attorney, Planning Board
	Priscilla Gersbeck	Deputy Town Clerk

A. CALL TO ORDER

The meeting was called to order by Supervisor Bloomfield at 7:31 pm, followed by the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

Supervisor Bloomfield expressed sincere sympathy in the recent loss of Dr. Evan Littlefield. As a teacher, and in many ways he influenced people, making Goshen a better place to live. "A great, great Goshenite" who will be missed.

C. PRIVILEGE OF THE FLOOR (agenda items only)

D. OLD BUSINESS:

1. DISCUSS AND RESPOND TO CITIZENS QUESTIONS REGARDING A SAWYER'S PEAK CONNECTOR ROAD

Attorney Kelly Naughton explained the subdivision's relationship to the connector road. Two subdivisions, Sawyer's Peak and Remington Ridge, are next to each other showing a right-of-way (connector road) on the filed plat. The final plat labels the connector road as "*area reserved for possible future road*". It was never intended to be constructed by the developer or the neighboring subdivision. It was the Planning Board reserving the right in the future for inter-connectivity. Legally there is no way to force the developer to complete the connector road.

In Attorney Naughton's findings she quotes Note 17 on the plat "The subdivision has irrevocable offered to cede title to the Town of Goshen for the land areas noted for streets, widening of streets, rights of way and for easements and other lands designated of this plat as "offered for dedication to the Town of Goshen" and has filed appropriate documents to this effect."

In summary: there was *never a requirement* for Remington Ridge developers to construct the off-site Sawyer's Peak connector road. Furthermore, Remington Ridge was required to construct certain drainage facilities as part of their application for approval.

Unfortunately, there is no performance bond for the construction of the connector road. The last bond expired on April 25, 2012 and was never renewed. The original bond was for the other roads and improvements (drainage etc.) in the subdivision. The bond was released as everything that was required was completed.

Currently, as deeded, two homeowners own a portion of the connector road. However, if in the future, the Town has the right to construct the connector road. To construct the connector road, the Town Board would perform SEQRA, hold a public hearing, and accept the offer of dedication for the connector road on the filed plat for Sawyer's Peak. The Town Engineer estimated, in 2014, to construct the connector road would cost approximately \$70,000. This does not include grading, curbing, tree clearing, or other related costs. The Town Highway Department can perform some of the work or the project would be subject to competitive bidding.

Lessons have been learned. Going forward, if there is to be inter-connectivity, the Planning Board now requires the road to be built to the property line as a "T" turn-around. If that turn-around becomes a connection, the wings of the "T" are removed and the road continues through. Currently, if a road is to be dedicated to the Town, there is a *separate* offer-of-dedication and a *separate* deed, not on the plat as previously done.

Supervisor Bloomfield invited comments from the public.

Howard & Diane Karpoff, Colonial Dr. / Sheila Heal, Colonial Dr. / Donald Herring, Angela's Way / Karen Scott, Sawyer's Peak Dr. and Christine Rowan, Chestnut Lane along with other residents of both Remington Ridge and Sawyer's Peak subdivisions questioned Attorney Naughton and the Board. Many of the concerns were addressed as stated above.

Issues about the connector road covered (1) the way in which they were led to believe that once the development was built-out, the road would be completed. (2) School buses do not enter the subdivision, because there is no turn around or drive through. Therefore, children meet the bus at the bottom of the hill. (3) There are no signs indicating a dead end or no outlet on the road (4) the large rocks blocking Angela's Way were removed enabling trucks to dump construction debris there. (5) Landscapers contracted by the developer dumped landscaping debris there (6) The vegetation is over grown (7) Bags of garbage, cans, bottles are dumped on this road (8) The owners sharing the connector road were unaware of ownership and were led to believe they owned a corner lot (9) there is only one way in and out of the development. This can be dangerous if an emergency was to block off the only ingress/egress (10) Options to develop the connector road are very expensive. There would be a public hearing, because the taxpayers would have to pay for it. (11) The storm drains on the connector road were required as part of the Sawyer's Peak subdivision.

Councilman Cappella expressed dissatisfaction of people dumping garbage in developments. He noted, by contrast, a new subdivision is planned in which the 22 homes on the other side of this new subdivision don't want flow-thru traffic.

Councilman Canterino is saddened by the fact that the developer knew he didn't have to develop the road and misled the buyers.

Supervisor Bloomfield stated, "There is no way to enforce this, with that plan from 1999."

In conclusion: the developer for Sawyer's Peak is gone and Remington Ridge had no condition/requirement to develop the road. Therefore, it was recommended to locate the source of the miscellaneous debris on the road, and send a letter requiring clean-up. It was also recommended for the Town to put up signs on the Angel's Way side indicating a dead end/no outlet and perhaps no dumping.

The storm drains installed were for the Sawyer's Peak subdivision approval and parts of Remington Ridge tied into them. There are catch basins on the connector road. The Town will research the subdivision documents to find out who is responsible to maintain them.

A resident suggested to "build a case" to construct the road. The example being that the road would enable safe passage for the school bus to circle in and out of the whole development picking up children. This way the children don't have to catch the bus on Maple Avenue.

Councilman Lyons reviewed the legal process. As previously stated, the Town Board would need to perform SEQRA, hold a public hearing, and accept the offer of dedication for the connector road. The Town would have to accept the offer. In addition, the Highway Superintendent submits a list to the Town Board of roads to be improved. The road would have to be constructed to Town specs.

Councilman Canterino mentioned that we have \$664,000 in our budget to maintain 84 miles of town road. "There are going to be issues". There is not enough money for this road. There are many roads in the Town of Goshen called "paper roads" (Goshen Hills Subdivision) that will never be built. Years ago subdivisions were dealt with differently, different requirements/laws. Things have changed.

At this time, the Town Board acknowledged Christopher Rowan of Chestnut Lane. His attendance at this meeting is part of a requirement towards his Eagle Scout Merit Badge. Living in Sawyer's Peak, this meeting provided Christopher with a keen insight of public interaction with government.

2. DISCUSS AND DECIDE ON SEWAGE DISPOSAL//PROCESSING ALTERNATIVE FOR YOUNG'S GROVE SUBDIVISION

Representatives of Young's Grove subdivision were not present. Discussion tabled.

E. NEW BUSINESS:

1. DISCUSS AND APPROVE REQUEST BY VACATIONLAND STUDIO AND TIME, INC. STUDIOS TO FILM A COMMERCIAL ON 6 MALONEY LANE AND INTERSECTION OF COUNTY ROAD 6 AND COUNTY ROAD 9.

An application was received from Vacationland Studio and Time Inc. Studios to film a video for Land Rover. Filming is planned for June 15 and 16. The location is set for Maloney Lane, Pulaski Highway and County Rd 9. It will involve a film car and a drone. The Town will provide two extra police officers, at the expense of the production company, to assist in traffic detail.

Attorney Swift reviewed the application. The Hold Harmless agreement and insurance coverage are acceptable. The Police Chief will sign off approving two officers for traffic detail.

Councilman Canterino made the motion to authorize the Supervisor to sign the approval for Vacationland Studio and Time Inc. Studios to film a video for Land Rover using Town Roads. Councilman Lyons seconded the motion.

On A Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold
0 NAYS

2. DISCUSS REQUEST BY COURT EMPLOYEE TO BRING A PERSONAL PISTOL TO WORK. EMPLOYEE HAS BEEN AUTHORIZED BY ANOTHER COURT SHE WORKS FOR TO HAVE IT AT WORK.

Supervisor Bloomfield is concerned about issues associated with liability in allowing employees to carry firearms. "The Office of the Attorney General has opined that there is no absolute right to carry firearms, and individuals are bound by rules and regulations established by their employers." Under municipal home rule, there are options to ban carrying firearms on municipal property. The Board discussed the options (1) local law (2) amend the employee handbook and (3) as part of the workplace violence policy. Our court employee has a license to carry a gun. Her request is for safety reasons to carry a gun when she leaves here to another location of employment. General consent of the Board is that if there is an issue with another township, then that township should provide security for her. Unanimously, the Board is opposed to employees carrying guns. The decision was to amend the Town Workplace Violence Policy adding language opposing employees to carry firearms on municipal property.

F. FINANCE:

Councilman Canterino made the motion to authorize the Supervisor to pay Accounts Payable check run for 06/11/2015 amounting to \$133,851.22 and Manual A/P runs as of 05/31/2015 amounting to \$35,539.89. Councilman Lyons seconded the motion.

On A Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold
0 NAYS

G. PRIVILEGE OF THE FLOOR

None at this time

H. EXECUTIVE SESSION:

1. AL TURI LANDFILL TAX CERTIORARI STATUS UPDATE – Cancelled

I. ADJOURNMENT

Councilman Newbold made the motion to adjourn the meeting at 9:00PM. The motion was seconded by Councilman Lyons. Motion Carried

Priscilla Gersbeck, Deputy Town Clerk