

TOWN OF GOSHEN

**TOWN BOARD WORK SESSION**

February 8, 2010

**MINUTES**

A Work Session of the Town Board of the Town of Goshen was held on the 8<sup>th</sup> day of February, 2010 at Town Hall located at 41 Webster Avenue, Village of Goshen, County Of Orange, State of New York.

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

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|---------------|-----------------|---------------|
| Also Present: | Dennis Caplicki | Town Attorney |
|               | Valma Eisma     | Town Clerk    |

The meeting was called to order by Supervisor Bloomfield at 7:30 p.m. who announced the Board would be making a change in the agenda. He said we will address the first two items on the agenda and then will break for a short Executive Meeting, with intent to return, to discuss sewer negotiations with the Village 2009 Sewer Bill.

**1. REQUEST BY R.J. SMITH REGARDING THE ECHO LAKE BUSINESS PARK "APPLICATION FEE"**

R. J. Smith addressed the Board stating he had met with the Town Board a couple of months ago to brief them on the Echo Lake project. He said since then he has returned to the Planning Board to their work session and the applicant had submitted a preliminary application and is now ready to make a full application. He said they looked at the fee schedule and were shocked to find the fee for this application would be \$75,000. He proceeded to hand out a copy of Goshen's fee schedule and that of other surrounding towns, Chester, Wawayanda Wallkill and New Windsor. R.J. stated he was not here this evening to argue about the application fees, but to ask the Board to allow the applicant to pay the fees as a residential application would. He said if it were residential the fee would be paid one third at a time. He said his applicant is asking for one third to be paid for the initial application, one third when the draft environmental impact statement is accepted and a final third when the final impact statement is accepted and the finding statement is issued from the Planning Board. He said there is a lot of risk with a project such as this and there is always a chance a project like this could "fall on its face".

The Board reviewed the various fees from the other towns and felt that Goshen's fees were not out of line. Supervisor Bloomfield stated that looking at the other town's fees; it seems that doing business with the Town of Goshen seems pretty reasonable.

There was a lengthy discussion on the escrow amounts and the problems that often occur, where the Town ends up taking the loss. This is a major concern to the Board. He said there have been problems in the past. Mr. Smith stated often that he felt, in comparison to other towns, Goshen seemed much higher. Again he stated that he was not arguing fees, however, he was asking for the partial payments. Building Inspector Halloran joined the Board and explained how the fee schedules worked and answered other questions. He felt it was difficult to judge fees, etc. on a building of this size, since there has not been a million and a half square foot project that has been built in any of these towns, and certainly not ours.

The Supervisor polled the Councilmen and said it is the Board's decision to deny the request, and not to agree to the increments. Mr. Smith stated he believed it was unfair to offer increments to residential projects and refuse them for the commercial ratable projects. He said he found the Board's policies discouraging.

## **2. REQUEST BY JEROME FINE, P.E. TO CREATE A STORMWATER DRAINAGE DISTRICT FOR THE PERSOON SUBDIVISION:**

Mr. Fine, P.E. and Hans Persoon addressed the Board requesting the creation of a storm water drainage district on the Persoon Subdivision. Mr. Fine explained the project and provided the Board with a map of the project. He explained that the Town would have an easement to the drain in the event there should be any problem that they would be able to come in and clean it, and bill the Home owner of the property.

Attorney Caplicki clarified the fact that the Board would have the availability to go in and clean up any problem, but not the responsibility to do so. He went on to explain that the Board has stayed away from this type of project as they do not want this responsibility

Supervisor Bloomfield said that as the Board is in agreement on this type of project, should he schedule a resolution for Thursday's meeting. Attorney Caplicki replied the Planning Board is addressing these requests in a formal manner. Supervisor Bloomfield said he wanted it clear that the Board wants the homeowners to maintain and handle these storm drains themselves, the Town does not want the responsibility.

Councilman Canterino asked if the Town had to go in and clean up, would the other residents share in the cost or would the lone homeowner be held responsible? He asked what would happen if that owner could not pay it and there was a health issue, what recourse the Town would have to recoup the cost. He said this question pertains to any and all subdivisions with storm water drainage districts. Supervisor Bloomfield stated the Town would have to fix it and the cost would be put on the homeowner's tax bill. The Board felt it wanted somehow to be protected from this type of responsibility.

Mr. Fine suggested that he has an attorney, the attorney for the Planning Board will also be reviewing the project, and the Town attorney will have the final say. He said he would hope this would make the Board feel a little more comfortable. It will now go back to the Planning Board, and the Supervisor thanked Mr. Fine and Mr. Persoon for coming. Attorney Caplicki will write a letter to the Planning Board conveying the Board's feeling on the project.

Councilman Newbold made a Motion to go into Executive Session to discuss the sewer negotiation with the Village for the 2009 sewer bill. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Time 8:15 p.m.

The Meeting reconvened at 8:35 p.m. on a Motion by Councilman Newbold and Seconded by Councilman Cappella. Motion carried unanimously.

Councilman Newbold made a Motion to authorize the Supervisor to pay the Village of Goshen \$137,587 dollars for Arcadia Hills sewer and \$106,690 for Hambletonian Park sewer. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

**3. RESOLUTION TO AUTHORIZE THE SUPERVISOR TO SIGN THE COMMUNITY DEVELOPMENT BLOCK GRANT TO REHAB JESSUP SWITCH ROAD.**

Councilman Canterino made a Motion to authorize the Supervisor to sign the Community Development Block Grant to rehab Jessup Switch Road. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

**4. POLICE CAR PURCHASE:** Supervisor Bloomfield reported that the police car that was promised by Senator Larkin has still not been received, and one is needed. He reported there is \$30,000 in the Court fines that are generated by the Police Department and he felt this money could be transferred to the B fund by resolution and a car could be purchased with these funds.

The Board discussed the purchase at length. Councilman Cappella suggested the purchase should be a six cylinder as opposed to the Crown Victoria's that have been purchased in the past, and Councilman Lyons said it would depend on what is on the State Bid list. Councilman Canterino suggested the Board look into leasing, stating that there may be tax credits available, etc. He will look into this and report back to the Board.

**5. DISCUSS POTENTIAL TAX CREDIT RELIEF FOR CAPITAL EXPENSES ASSOCIATED WITH THE INSTALLATION OF THE NEW WATER LINE IN HAMBLETONIAN PARK**

Supervisor Bloomfield stated the Board is not familiar with this and has not done this before. He stated it will be sent to the accountant and perhaps the Board will act on it on Thursday.

**6. RESOLUTION OF OPPOSITION TO 9/11 TERRORISTS TRIAL TO BE HELD IN ORANGE COUNTY**

Supervisor Bloomfield read a letter from County Executive Diana asking the Board's support, by passing a suggested Resolution, to oppose holding the 9/11 terrorists trial any where in Orange County. After a brief discussion, the Board felt they all agreed with the County Executive and Councilman Canterino made a Motion to pass the Resolution suggested by the County Executive and Councilman Lyons seconded the Motion. Resolution adopted unanimously.

**TOWN OF GOSHEN  
RESOLUTION**

INTRODUCED BY: Councilman Philip Canterino  
SECONDED BY: Councilman George Lyons  
DATE OF ADOPTION: February 8, 2010

RESOLUTION OF THE TOWN OF GOSHEN EXPRESSING ITS FERVENT  
AND STEADFAST OPPOSITION TO HOLDING THE TRIAL OF THE ALLEGED  
SEPTEMBER 11, 2001 TERRORISTS ANYWHERE WITHIN ORANGE COUNTY,  
NEW YORK AND URGING THE PRESIDENT OF THE UNITED STATES AND  
THE UNITED STATES ATTORNEY GENERAL TO DESIGNATE THE PLACE OF  
TRIAL OUTSIDE THE COUNTY OF ORANGE.

**WHEREAS**, The United State's Government intends to prosecute the alleged terrorists responsible for the horrific murders of thousands of innocent citizens on September 11, 2001 as civilians in the civil courts of the United State; and

**WHEREAS**, the City of New York had initially been designated by the United States Attorney General as the place of trail for these alleged terrorists at the United States courthouse for the Southern District of New York; and

**WHEREAS**, the Mayor of the City of New York and others have objected to holding the trial of these alleged terrorists in the City of New York citing, among other concerns, the safety and security of the residents of the City; and

**WHEREAS**, President Obama has directed the United States Attorney General, Eric H. Holder, Jr., to consider alternative locations of the trial of these alleged terrorists outside the City of New York; and

**WHEREAS**, references have been made through various sources to three potential, alternative locations in the County of Orange, including the U.S. Military Academy at West Point; Stewart Air Force Base, and the Federal Penitentiary in Otisville, New York, as suitable sites for conducting the trail of international terrorists responsible for the worst mass murder in the history of the United States, thereby attracting to the County of Orange not only the attention of the world, but that of international terrorist organizations worldwide whose mission is the destruction of the United States and the cold-blooded murder of its innocent civilians; and

**WHEREAS**, bringing the trial of these alleged terrorists to Orange County threatens the safety and security of Orange County residents and our neighborhoods, and places them at great peril, and presents an unacceptable, clear and present danger to all of our residents;

**NOW**, therefore it is hereby

**RESOLVED:**

1. That on behalf of the residents of the Town of Goshen and all of the residents of the County of Orange, the Town of Goshen fervently express its steadfast and unwavering opposition to holding the trial of the alleged September 11, 2001 terrorists anywhere within the County of Orange, New York.

2. That the Town of Goshen urges and calls upon, in the strongest terms possible, the President of the United States and Attorney General Holder to exercise all of their power and authority under the laws of the United States to try these alleged terrorist outside of the County of Orange.

3. The Clerk of the Town of Goshen is hereby authorized and directed to send a certified copy of this resolution to President Barack H. Obama, President of the United States, the Hon. Eric H Holder, Jr, Attorney General of the United States, to the Hon. Charles Schumer, U.S. Senator, the Hon. Kirsten E. Gillebrand, U.S. Senator, United States Representative Hon. Maurice D. Hinchey and Hon. John G. Hall, and to each member of State Senate and Assembly whose districts include all or part of orange County, so they be apprised of the sentiment of the Town of Goshen and this Legislative body and take appropriate action to keep the trial of this matter outside the County of Orange, New York.

RESOLUTION ADDOPTED ON A VOTE OF 5 TO 0.

#### **7. HAMBLETONIAN RESIDENT'S REQUEST FOR A REDUCTION OF THEIR SEWER BILL**

A resident of Hambletonian Park wrote the Supervisor asking for a reduction of her sewer bill, as she discovered a leak in her water hose, and the water was leaking into her back yard. Since it did not go through the sewer, she hoped the Board would forgive a portion of the sewer bill. After discussing the matter for some time, the Board agreed there have been a number of these requests, and felt it was unfair to the other taxpayers who would be paying for these. The Supervisor will contact his secretary and have her convey the denial to the resident.

**8. CASE CEMETERY:** Supervisor Bloomfield reported that Debbie Corr had asked for the Town to go into the Case Cemetery and take out some trees and trim the property. He explained this cemetery is on private property and the Town would not be doing the cleaning.

With no further business, Councilman Cappella made a Motion to go into Executive Session, with intent not to return, to discuss the Sewer Negotiations with the Village 2009 Sewer Bill; the status of the Humane Society Contract; tax certiorari review and the status of the PBA Contract Negotiation. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Time: 9:15 p.m.

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Valma Eisma, Town Clerk