

**TOWN OF GOSHEN
TOWN COUNCIL MEETING
February 14, 2008**

MINUTES

A regular meeting of the Town Council of the Town of Goshen was held on the 14th day of February, 2008 at 7:30 p.m. at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

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

Also Present:	Dennis Caplicki	Attorney for the Town
	Valma Eisma	Town Clerk
	Gary Greenwald	Resident, Attorney

A. CALL TO ORDER

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

B. AMENDMENT TO THE AGENDA

Attorney Caplicki stated he would like to amend the agenda by adding Gary Greenwald, Esq, a local attorney and resident of Goshen, who has asked to address the Council.

Also he said he would like to add two petitions for drainage districts toward the end of the meeting.

Supervisor Bloomfield said he would also like to add a report of the storm damage to Town Hall.

Supervisor Bloomfield invited Attorney Greenwald to approach the Council. Attorney Greenwald made the following statement:

I don't usually come to Town Board meetings; I have not been to one in a really long time. I spoke to Councilman Newbold and he told me something that made me really absolutely crazy and I just had to come here, because I just think it is wrong, it has nothing to do with politics. It takes a lot of guts to run in politics today. You get attacked in every possible way, good bad or otherwise, sometimes you win, sometimes you lose. So I admire anybody who seeks office, period. You can attack people, they have a record. If you are in the office, and you choose to run for office you can expect to be attacked on your record, I don't see anything wrong with that, regardless, again for what the politics are. When you attack people inappropriately, and people do nothing, and don't say anything, other than the members heard, I think that's wrong. I think the citizenry have to come forward and say that that type of behavior is wrong.

Now, I know Phil Canterino and I love his daughter. Her name is Kim, and I remember when she was going to law school, she worked for me. She is one of the brightest people that ever worked for me, a great attorney, a lovely person; I never appeared in front of her, she would probably throw me in jail or something. I know how competent she must be, she has a wonderful political future. I hope, God willing, she will be a great judge in the future, in a higher level. Phil Canterino did not deserve to be attacked because he voted on a budget that included moneys for his daughter, who happens to be a Town Judge, when it is one isolated vote out of a zillion other ones. That is a type of attack that is not the right way to attack. If you want to attack Phil Canterino for some of his votes, feel free to do it. But, don't attack him through his daughter, who I think does a phenomenal job, but more importantly, the thing that got me angry, is as a judge, she is restricted in what she can say, as opposed to any body on this Town Board. So poppa Canterino can jump up and down, but the person that is being attacked, like she did something wrong, when all she did was get a budget increase just like the other Town Judge I assume, she is not allowed to say anything. She was defenseless, well I knocked.

She did not deserve that, Phil Canterino did not deserve that and Phil tends to be a conservative guy, but you have a balance of conservatives, liberals and other things and together I think you have a wonderful mesh as a Town Board, Democrats and Republicans as it may be, and whether I agree or disagree is irrelevant. But, what is relevant is the level of the discussion, between the people who comes here to address the Board; there was no reason to reach that level. It is my sense there are ulterior motives for that attack and absolutely nothing, zero to do with Phil Canterino's roll in having a daughter who is serving this community, excellently as a Town Judge and I was embarrassed for our system that someone can be attacked as a Town Judge. She is restricted on what she can practice, what other Court she can go to, and that type of thing that people may not know. She serves this community, she wakes up at 3:00 a.m. in the morning for arraignments and other things and I tell you, whether I am a mediocre attorney or an average attorney or what ever I am, she is a very bright attorney and the Town is very fortunate to have a judge that good, and whether Phil Canterino has done many good things, that's one thing he did fabulously, by creating her. I assume all the good qualities have come from his wife, I am certain of that also, and I can be quoted on that, everyone agrees on that.

I thought that attack was inappropriate, wrong, I want it on the record, it did not have to be stated and if you want to take the guy out, take him out on his record, say anything you want good or bad that you are entitled to, that is all.

In regard to Doug Bloomfield, I thought the attack on him was equally wrong, and I am against that as well. I want to make it beyond clear, that these points of view I had were within five to ten minutes after Kenny Newbold told me and it does not affect any other discussions that existed, because I was that angry and I spoke to Phil Canterino and he was trying to calm me down, because I was so angry because I love his daughter so much

But the attack on Doug Bloomfield was inappropriate too and I want the record to be clear. It is my understanding that the issue of taking the property was before other Town Boards. It existed before and was a pro forma vote and it was no big deal and no great impact whether it increases the value of Doug Bloomfield's property or it doesn't, is basically irrelevant. I don't think it was unethical, I don't think it was inappropriate, I don't think it was wrong. If you want to attack Doug Bloomfield, attack him on any of the votes you want, but that's not one I think he is attackable on. This is

essentially something prior Boards had agreed to, and ultimately it came to completion in his administration. This was improper and wrong, and I say publicly that I thought it was an unfair attack on the Supervisor as well. I don't think anyone should allow this kind of conversations to go on, and again I believe the primary reason both of these gentlemen were attacked had nothing to do with what the issues were, but for either political reasons or negotiation reasons that are on going and I think it was wrong.

I could not live in this Village or Town and see people, whether I agree or disagree, who sit on a regular basis trying to run our government, which I know how difficult it is to do, as you can see the huge amount of people who show up, who take all of you people for granted. So the only way I can show my appreciation is not to let this nonsense, and that is what it is, and it is grossly inappropriate, whether we agree or disagree on some issues just know that the greater portion of the community appreciates all that you do.

Supervisor Bloomfield thanked Mr. Greenwald for taking the time away from his family on Valentines Day to come to lend his support. He said as a recipient, along with Councilman Canterino, we know how it makes us feels when someone does that and it makes us feel equally as well when you take the time to come and say it's okay. The entire Board thanked Mr. Greenwald for coming.

Councilman Lyons commented 'The only thing that was sad about it, is that Mr. Wilson, when he came, carefully orchestrated it with the media, and as you can see now the extent of the media, is no media.' Supervisor Bloomfield said he felt it was very nice when a citizen comes to speak their piece and he really wished there would always be fifty or sixty people here every night.

Councilman Canterino said he would like to thank any citizen who comes out to support their elected officials, and we appreciate it.

Supervisor Bloomfield asked Attorney Caplicki to explain further the two items he wished to add to the agenda.

Attorney Caplicki stated A & L Acres LLC., subdivision has petitioned the Town for the creation of a drainage district. He said the petition is in order and he would request the Board this evening to set a Public Hearing date, at which time the Board would hear the particulars of the application and public input. It will be number 1 under New Business.

Supervisor Bloomfield said this would be placed under New Business. Attorney Caplicki also asked to place another similar petition, Goshen Properties, Inc., which will be in the same location, Houston Road and 17 A. Again they are requesting a drainage district Public Hearing. It will be number 2 under New Business.

Supervisor's report on Storm Damage will be number 3 under New Business

C. PRIVELEGE OF THE FLOOR – agenda items only: No response

D. OLD BUSINESS:

1. RESOLUTION

Reduction and Partial Release of Performance Bond; Section 5, Block 1, Lot 55, Lands of Tobias: Attorney Caplicki explained this was a Performance Bond on the Tobias Subdivision, which has been completed for some time. The developer is asking for the return of his bond. Upon inspecting the project, the Town Engineer and the Highway Superintendent found there was a discrepancy in the amount of trees that were required to be planted. Seventy five trees have to be planted. Therefore they are suggesting \$14,400 be retained as a Maintenance Bond to assure the planting of the trees.

**TOWN OF GOSHEN
RESOLUTION**

Reduction and Partial Release of Performance Bond; Section, 5 Block, 1 Lot 55

INTRODUCE BY: Councilman Canterino
SECONDED BY: Councilman Lyons
DATED: February 14, 2008

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 14th day of February, 2008.

WHEREAS, the Applicant has posted with the Town of Goshen a \$19,000 Performance Bond with respect to Section 5, Block 1, Lot 55, of Lands of Tobias Subdivision and

WHEREAS, the Superintendent of Highways of the Town of Goshen and the Town Engineer for the Town of Goshen has inspected the project; and

WHEREAS, the Town Engineer has written a report dated February 8, 2008 wherein it is recommended that the Performance Bond for Section 1 be reduced from a level of \$19,000 to \$ 14,400 so as to assure the planting of required trees within the project, and

WHEREAS, the Town Board of the Town of Goshen finds that it would be appropriate to release from the Performance Bond and return to the applicant the sum of \$4,600 based upon its review and analysis of the recommendations received from its employees and professional.

NOW, THEREFORE BE IT RESOLVED, that the \$19,000 Performance Bond for Section 5, Block 1, Lot 55 of the Lands of Tobias Subdivision be reduced to \$14,400 and that the appropriate refund be made to the Applicant forthwith.

Upon Roll Call Vote:

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

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

2. RESOLUTION

Modification of Building, Planning and Zoning Fees as Set Forth in Chapter 85 of the code of the Town of Goshen

Supervisor Bloomfield explained the need to raise the fees, saying the existing fees do not cover the costs. He said this Resolution will raise the current fees as recommended by the Building and Zoning Office.

**TOWN OF GOSHEN
RESOLUTION**

Modification of Building, Planning and Zoning Fees as Set Forth in Chapter 85 of the Code of the Town of Goshen Town Hall

INTRODUCED BY: Councilman Canterino
SECONDED BY: Councilman Lyons
DATED: February 14, 2008

At a meeting of the Town Board of the Town of Goshen, county of Orange, State of New York, held at the Town Hall in said Town on the 14th day of February, 2008;

WHEREAS, Chapter 85 of the Code of the Town of Goshen entitled "Fees" provides a schedule of application and inspection fees for miscellaneous building, planning and zoning applications, and

WHEREAS, the Town Board of the Town of Goshen has determined that it is necessary to raise the level of said fees, and

WHEREAS, pursuant to Section 85 – 2 of the Code of the Town of Goshen, the Town Board of the Town of Goshen has determined that certain fees as set forth in the annexed Schedule A should be adopted,

NOW, THEREFORE BE IT RESOLVED, that the Town of Goshen does hereby modify the fees as set forth in Chapter 85 of the Code of the Town of Goshen to the extent and as more particularly set forth in Schedule A annexed hereto.

Upon Roll Call Vote:

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

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

SCHEDULE A
Schedule of Fees
BUILDING AND ZONING OFFICE
All fees are due at the time of filing

<u>BUILDING PERMITS</u>	100.00 plus \$.50/sq.ft.
Buildings	
Additions	
Inground pools	
Sheds	
Porches/decks	
Above ground pools	\$100.00 plus \$5.00/1000

PLANNING BOARD FEES

Applications

Subdivisions:

Conservation Analysis & sketch plan	
Less than 50 acres	\$500.00
Over 50 acres	\$750.00
Hamlet	\$1,000.00
Preliminary	\$500.00 plus \$150/lot
Final	\$250.00 plus \$100/lot
Escrow	\$1,000.00/lot

Site plan or Conditional Use

Application	\$500.00 plus \$120/du or \$50.00 per 1000 sf floor area
Escrow	\$2,500 Con. Analysis, \$1000/du or \$50 per 1000sf floor area

Signs

Escrows are payable with the application and must be maintained.

Zoning Board of Appeals

Applications \$425.00 Plus \$1,000 escrow

Escrows are payable with the application and must be maintained.

Municipal Search

Request for letter \$125.00

Supervisor Bloomfield stated these fees become effective as of today.

3. Acceptance of Resignation of Damien Reynolds from the Water Department

Supervisor Bloomfield read the resignation of Damien Reynolds to the Board which stated due to personal reasons, involving the company he owns, he can no longer continue to work for the Town of Goshen. He stated the Water Department was a great department to work for and thanked everyone for giving him the opportunity to work for the Town of Goshen.

Councilman Newbold made a Motion to accept the resignation and the Motion was seconded by Councilman Cappella. Councilman Newbold said he would like to say Mr. Reynolds did a wonderful

job for the Town of Goshen. He said he had observed him at many water main breaks and he really did a great job, and will be a big loss to that department.

4. Approval of Minutes:

December 17, 2007 Work Session
January 22, 2008 Work Session
January 24, 2008 Council Meeting

Councilman Cappella made a Motion to accept the Minutes of December 17, 2007, January 22, 2008, and January 24, 2008. The Motion was seconded by Councilman Newbold. Councilman Lyons noted some minor corrections in the December 17th meeting. The Motion is amended to approve the Minutes as corrected. Motion carried 5 to 0.

E. NEW BUSINESS

1. A & L ACRES, LLC SUBDIVISION

Attorney Caplicki explained this is a petition that is being presented to the Town Board to create a drainage district in the Town, to include approximately 101.452 acres located on the northerly side of Route 17A and Houston Road. The Board discussed the various impacts to the Town at length and felt they would like more information, and wondered if it would be wise to set a Public Hearing at this time. Supervisor Bloomfield said he would like the applicant to come in and meet with the Board prior to setting up a Public Hearing. It was decided the applicant would attend the February 25th meeting to present their plans and answer the Boards concerns, and a Public Hearing be set for March 13, 2008 at 7:35 p.m. or as soon thereafter as the matter can be heard.

Councilman Canterino made a Motion to set a Public Hearing for A & L Acres, LLC for the proposed creation of a Drainage District in the Town of Goshen for March 13, 2008 at 7:35 p.m. The Motion was seconded by Councilman Lyons for discussion. Further discussion was held stating the Board had not really seen the petition and had not had time to review it. Supervisor Bloomfield called the Motion. Attorney Caplicki clarified the Motion to state: A Motion to set a Public Hearing for A & L Acres, LLC for the proposed creation of a Drainage District for March 13, 2008 at 7:30 p. m. or as soon thereafter as the matter can be heard and the applicant is to appear before the Board at the February 25th meeting to discuss and explain the application. The Motion was carried unanimously.

2. Goshen Properties, LLC Petition for the Creation of a Drainage District

Attorney Caplicki explained this is the same type of petition as the A & L Acres, LLC. and he would recommend the same procedure be used to set the Public Hearing.

Councilman Newbold made a Motion to set a Public Hearing for the petition for the creation the Goshen Properties, LLC Subdivision Drainage District for March 13, 2007 at 7:35 p.m. or as soon thereafter as the matter can be heard and the applicant is to appear before the Board at the February 25th meeting to discuss and explain the application. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

3. Town Hall Storm Damage:

Supervisor Bloomfield reported the decision was made to close Town Hall on Wednesday, February 13th due to the storm. He stated it was a wise decision because as the day progressed the water on the roof, due to thawing and freezing, water came

through the roof at a considerable rate and came down through the elevator shaft and you could see and hear the water at the bottom of the shaft. The water also seeped into the computer system that operates the elevator and destroyed it. The elevator company that services us surveyed the damage and said the damage is quite extensive. They took it out of service and cut the power to it. There was more water damage upstairs in the men's room, the assessor's office and the hallways. He stated ServPro came in today to clean up and they installed humidifiers and blowers to help dry out the moisture and an insurance claim was sent in to Dickerson & Meany.

F. FINANCE:

Councilman Newbold made a Motion to authorize the Supervisor to pay A/P Computer Check Run dated Dec.29, 2007 amounting to \$42,347.83 and A/P computer Check Run dated Feb. 14, 2008 amounting to \$256,944.43. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

G. PRIVILEGE OF THE FLOOR:

Doris Bialas asked if the Town had an ethic's committee. Supervisor Bloomfield stated yes, and the Board was not sure when it was originally formed, however, Councilman Newbold stated it was in place when he became a member of the Board eleven years ago.

Ms. Bialas also asked about the Go Ocean that had been rumored to be coming to Goshen. Supervisor Bloomfield replied he had not heard any thing more from the people who came originally and proposed the water park.

H. EXECUTIVE SESSION: Supervisor Bloomfield made a Motion to go into Executive Session to discuss personnel & negotiations on the following:

1. CSEA Negotiation Status
2. Assessment Review Board Candidates
3. The Investigative Budgetary Process of the Humane Society.

with no intent to return. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

I. ADJOURNMENT: Time 8:25 p.m.

Valma Eisma, Town Clerk