

A combined Work Session and Regular Meeting of the Town Board of the Town of Goshen was held on the 19<sup>th</sup> Day of November, 2007 at 7:30 p.m. in 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
George Lyons	Councilman	Louis Cappella	Councilman

Also Present: Dennis Caplicki, Town Attorney; Kelly Naughton, Attorney

Absent: Kenneth Newbold, Councilman

**A. CALL TO ORDER:** Supervisor Bloomfield called the meeting to order and asked Stephen Esposito to lead the Pledge of Allegiance.

**B. AMMENDMENT TO THE AGENDA:** None

**C. PRIVILEGE OF THE FLOOR: (agenda items only):** No response

**D. REPORTS:**

**Councilman Canterino** reported the Recreation Commission has been looking into enlarging the kitchen at Craigville Park. He said they are now receiving bids, and it appears it should come in around \$7,000.00 for material and labor. The extension of the kitchen will be ten by fourteen and will be able to accommodate the affairs and events held there. A representative of the Little League met with the Commission and there is a possibility that Little League will take over the concession.

Councilman Canterino also reported there will be a soft opening of the Salesian Park on December first. There will be just an opening of the park to the public and there will be a number of events throughout the winter and a grand opening celebration in the spring.

**Councilman Lyons** reported the Police Department received a letter of thanks from Mary Beth Kelly in reference to the police covering the Burke Five Hundred. Also there was a letter of thank you from a couple whose identity was stolen. He said Officer Edwards worked with them for many months helping them work through the problem.

Councilman Lyons also reported there is a web site being developed by Bonnie Mayefsky, the Town's webmaster, for the Police Department. He said the email address will be townofgoshenpolice.org. It is in the formative stages now. There is a mission statement on it and a form for having a house check. If a resident is going to be away on business or vacation they can make arrangements to have their house checked while they are gone. There will also be other pages to this site going forward.

Councilman Lyons also reported the department has received another grant from the Stop DWI program. They received two stop sticks which when used can blow out the tires of a high speed chase vehicle.

Councilman Lyons ended his report saying that the vote for the school referendum will be held early in December, he thought the 4<sup>th</sup>. He encouraged all to get out to vote for or against the referendum.

Councilman Cappella reported there is not much to report on Highway this month except they are picking up leaves at this time. However, he wanted to compliment Ellen Teatum, Senior Center Director, for the great job she did arranging and hosting a Thanksgiving Dinner, catered by Catherine's Restaurant for the seniors. There were over one hundred seniors, music and dancing and everyone had a good time.

**Supervisor Bloomfield** reported he and Councilman Canterino have begun negotiations with the CSEA, whose contract runs out on December 31<sup>st</sup>. He said he has talked to all the department heads about their needs and put together a list of grant requests he will be presenting to Senator Larkin, and a similar list for Annie Rabbit.

He said he has received no further information on the \$400,000.00 grant for Hambletonian Park. He said it came out of Committee and is in the Senate, attached to another bill. He said everyone is still cautiously optimistic.

The Supervisor reported he had received a letter from Pauline Kehoe, in reference to the library, saying she would like to set up a meeting between representatives of the Town and the Village to discuss the impact of the library building project on the Salesian Park, the access road in particular. He said this is particularly important to us, because we have to, before the end of the year, respond to the State of New York in reference to the \$250,000.00 grant. Whatever agreement we make with the library has to be done before we accept the grant. Once the grant is accepted, the boundaries of the park must remain forever. Supervisor Bloomfield stated we will then have to meet with the Village Board to discuss what we want to do with that grant and everything else moving forward.

## **E. PUBLIC HEARINGS:**

### **Continuation and/or Closing of EIS Scoping Session for Local Laws #2 and #3**

Attorney Caplicki stated that as the Board has held a number of meetings and work sessions and at this point he would recommend that the Board entertain a Motion to close the Scoping Session. The Board then can review, study and analyze the written comments, including the new ones that have recently come in, and act accordingly going forward.

Councilman Canterino made the Motion to close the EIS Scoping Session for Local Laws #2 and #3. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Councilman Lyons moved to close the Public Hearing on the Local Laws #2 and #3. The Motion was seconded by Councilman Canterino. Supervisor Bloomfield asked if anyone in the public would like to speak further on either of the Local Laws?

Floyd Makeun addressed the Board stating he owns property on 17A and is looking into having a PAC built there. He said his wife has turned in a petition to the Town Board, of people in favor of the proposed PAC. He said on a personal note "we thought the project was a good project all along". He said some of the interesting comments that we have heard from some of the people of Goshen, with the higher taxes, etc., people are burdened with these taxes. He said these people were thinking about moving from Goshen. "We thought an affordable senior housing, such as our project, would be an alternative to leaving Goshen and try to keep some of the people who have lived and grown up here." "We still think it is a good project."

Supervisor Bloomfield stated "we have a lot of input in writing from people relative to this Public Hearing so that will go in as part of the Public Hearing comments." "We as a Board will take all this information, digest it and give credence to it all." Supervisor Bloomfield called the vote. Motion carried 4 to 0.

## **F. OLD BUSINESS:**

### **1. Set Public Hearing for Application for Cable Franchise – Hometown On Line Inc. – December 10, 2007**

**TOWN OF GOSHEN  
RESOLUTION**

**Setting of Public Hearing with Respect to Application  
For Cable Franchise by Hometown Online, Inc.**

Introduced By: Councilman Philip Canterino

Seconded By: Councilman Louis Cappella

Dated: November 19, 2007

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 19<sup>th</sup> day of November, 2007.

**WHEREAS**, the Town has received an application from Hometown Online Inc. for a cable franchise in portions of the Town of Goshen, and

**WHEREAS**, this Board is required and desires to hold a Public Hearing with respect to said application and the possible awarding of a cable franchise with respect thereto.

**NOW, THEREFORE, BE IT RESOLVED**, that a Public Hearing be held by this Board with respect to the application for cable franchise by Hometown Online, Inc. at 7:35 p.m., or as soon thereafter as the matter can be heard on the 10<sup>th</sup> day of December, 2007 at Town Hall, 41 Webster Avenue, Goshen, New York, and it is further

**RESOLVED**, that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law and as required by the New York Public Service commission rules.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 4 to 0.

**2. Approval of Minutes: Work Sessions of October 9 and October 22 and  
Regular Meeting of October 11**

Councilman Cappella made a Motion to accept the minutes of October 9 and October 22<sup>nd</sup> and the Regular Meeting of October 11<sup>th</sup> with a minor correction in October 22<sup>nd</sup>

meeting, page eight, changing the word address to addressed. The Motion was seconded by Councilman Canterino. Motion carried 4 to 0.

**G. NEW BUSINESS:**

**1. Brookfields Farm – Negative Declaration**

At the advise of Attorney Naughlon, Attorney representing the Town in this Conservation Easement, the Board moved to declare Lead Agency. Councilman Cappella made a Motion to appoint the Town Board as Lead Agency in the SEQRA review for the Brookfield Farms. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

Supervisor Bloomfield read sections of the Negative Declaration which follows:

**NEGATIVE DECLARATION  
TOWN OF GOSHEN TOWN BOARD**

**Brookfields Farm Conservation Easement in Connection with the Purchase of  
Development Rights**

**Determination:** Please take notice that, according to the provisions of the State Environmental Quality Review ACT (“SEQRA”) and 6 NYCRR Part 617.7, the Town of Goshen Town Board, as lead agency, having reviewed and considered an environmental assessment form, conservation easement and other supporting documents, has determined that the action as cited and described below will not have an adverse impact on the environment and therefore, the Town Board has adopted a resolution to that effect.

<b>Lead Agency:</b>	Town of Goshen Town Board
<b>Contact Person:</b>	Douglas Bloomfield, Supervisor Town of Goshen Town Board Town Hall – 41 Webster Avenue Goshen, New York 10924
<b>Name of Project:</b>	Brookfields Farm
<b>Location:</b>	220 Route 17A, Goshen, New York
<b>Tax Map Parcel:</b>	Section 17, Block 1, Lot 30.12
<b>SEQRA Status</b>	Unlisted
<b>Action:</b>	Conservation Easement in connection with the Purchase of Development Rights

**Project Description, Background and Reasons Supporting the Negative Declaration:**

The Easement Property is located within the Town of Goshen, whose Comprehensive Plan, which includes the Open Space and Farmland Protection Plan adopted July 2003, recommends preservation of agriculture and open space of the Town of Goshen and further recommends protection of the Village of Goshen watershed to protect the Reservoir providing potable water to the Village of Goshen.

This parcel consists of approximately 90 acres possessing the following attributes; 77 acres of field/pasture land, 29.5 acres of USDA prime soils and 11.5 acres of USDA statewide important soils, farm buildings and a homestead, previously designated as historic by a Goshen Master Plan Committee, and 970 feet of road frontage on State Route 17A and 983 feet of road frontage on County route 6, significant gateways into the Town of Goshen, permitting scenic views of the farmland property. This parcel is before the Town Board so that it may be conserved and protected by a conservation easement in connection with the purchase of the development rights by the Town of Goshen and the County of Orange.

This Negative Declaration has been issued based upon a review of the environmental assessment form, conservation easement and other supporting documents, and comments received from the public hearing and the County of Orange. The Town Board has concluded that this action is consistent with the Town of Goshen's Comprehensive Plan, including its plans for conservation easements, open space and farmland protection. The Town Board has found that there are no unmitigated adverse environmental impacts, as identified in the EAF or otherwise, that will result upon the purchase of development rights and execution of the associated Conservation Easement.

**Date of Action:** November 19, 2007

**Date of Mailing:** November 20, 2007

**Involved Agency:**

Orange County, New York  
c/o Laura Wong-Pan, Esq.  
Assistant County Attorney  
255 Main Street  
Goshen, NY 10924

Councilman Lyons made a Motion that this should be an unlisted action in regard to the Brookfields Farm conservation Easement in connection with the Purchase of Development Rights. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

Councilman Lyons made the Motion to accept the Negative Declaration on the Brookfields farm Conservation Easement. The Motion was seconded by Councilman Cappella. Motion Carried 4 to 0.

The Board reviewed the Conservation Easement discussing the land and the buildings currently on the property and some that may be built in the future. (A full copy of the Easement is available in the Town Clerk's Office and is on file) Supervisor Bloomfield was concerned about a section of the easement document, 10.4 Extinguishment, which reads as follows:

10.4 Extinguishment: At the request of the Grantor and Grantees, a court with jurisdiction may, if it determines that conditions surrounding the Easement Property have changed so much that it becomes impossible or impractical to fulfill the agricultural conservation purposes of this Easement, extinguish or modify this Conservation Easement in accordance with applicable law. If this Easement is extinguished by judicial proceeding or otherwise, the Grantees shall be entitled to the greater of its investment (Town: \$406,665.00; County \$358,335.00) or a portion of the proceeds from any subsequent sale or other disposition of the Easement Property, or title insurance proceeds, in accordance section.

For purposes of calculating proceeds from a sale or other disposition of the Easement Property as contemplated under this paragraph, this Conservation Easement shall have a value equal to a percentage (the "Proportionate Share") of the value of the Easement Property unencumbered by this Conservation Easement. The Proportionate Share has been determined by dividing the value of the Conservation Easement, calculated as of the date hereof, by the unencumbered value of the Easement Property, also calculated as of the date hereof. The Proportionate Share is sixty-eight percent (68%). The Proportionate Share shall remain Constant.

All expenses related to the termination of the Conservation Easement shall be paid out of any recovered proceeds prior to the distribution of the net proceeds as provided above.

This Easement is terminated and the Easement Property is subsequently sold, exchanged or taken in condemnation then, the Grantees shall be entitled to the greater of its investment (Town: \$406,665.00; County \$358,335.00 or a portion of the proceeds from such sale, exchange or condemnation equal to the Proportionate Share provided herein, i.e., 53% to the Town and 46.8% to the County.

Councilman Lyons referred to the value of the property at the time of sale, such as twenty years down the road, and the property has increased in value. He said he would interpret this as "we would then have the benefit of either getting a minimum back, or a percentage. Attorney Naughlon replied the percentage would be the same percentage the Town contributed originally in purchasing the easement.

Supervisor Bloomfield said his question was why this section is even in the contract, as "we are talking about purchasing development rights forever." Attorney Caplicki

explained the County likes to have these clauses in case they decide to relocate roads, establishment of reservoirs, various construction projects that could result in various properties being rendered useless or condemned for public taking. There was a lengthy discussion about the clause.

Councilman Lyons asked about the section referring to taxes. (9.7: “Grantor shall be solely responsible for payment of all taxes, assessments and charges levied against the Property.” If the Grantor becomes delinquent, the Grantee may take whatever actions necessary to protect the Grantees’ interest in the property. He felt this left the Town vulnerable. Attorney Caplicki stated the Town has decided to pursue this program with tax payer dollars. He said to protect the program the Town would have to advance some money. However, they should be reimbursed by the Grantor for all costs, including reasonable attorney’s fees within thirty days.

Councilman Cappella made a Motion to approve the Brookfields Farm Conservation Easement in Connection with purchase of Development Rights. The Motion was seconded by Councilman Lyons.

**TOWN OF GOSHEN**  
**County of Orange, State of New York**

**RESOLUTION**

Introduced by: Councilman Louis Cappella  
Seconded by: Councilman George Lyons  
Date of Resolution: November 19, 2007

**WHEREAS**, Article 14 of the New York State Constitution states that “the policy of this state shall be to conserve and protect its natural resources and scenic beauty and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products,” and

**WHEREAS**, approximately 90 acres of a certain parcel of land, shown on the tax maps of the Town of Goshen as Section 17, Block 1, Lot 30.12 has been presented to the Town Board for the purchase of development rights (“Easement Property”), and

**WHEREAS**, the Easement Property is located within the Town of Goshen, whose Comprehensive Plan, which includes the Open Space and Farmland Protection Plan adopted July, 2003, recommends preservation of agriculture and open space of the Town of Goshen and further recommends protection of the Village of Goshen watershed to protect the reservoir providing potable water to the Village of Goshen, and

**WHEREAS**, the Easement Property is located within Orange County, which has an approved Open Space Plan that recommends preservation of agricultural resources in Orange County, including such agricultural lands in the Town of Goshen, and

**WHEREAS**, the Town has determined that acquiring a conservation easement on the Easement Property protects the agricultural and open space values of the property furthering the purposes of preserving the economic, ecological, cultural and scenic values of the Town of Goshen and County of Orange, and

**WHEREAS**, the Town Board desires to ensure that the agricultural and open space characteristics of the Easement Property will be protected for the benefit of future generations, and desire to do this by entering into this Conservation Easement pursuant to the provisions of Article 49, Title 3 of the environmental Conservation Law, and

**WHEREAS**, the Town of Goshen and the County of Orange desires to purchase from Edward R. Myruski a Conservation Easement on the Easement Property, and

**WHEREAS**, the Town Board conducted a public hearing on October 22, 2007 at the Town of Goshen Town Hall to hear comments from the public regarding the proposed conservation easement and Easement Property, and

**WHEREAS**, THE Town board of the Town of Goshen has reviewed all material submitted to it concerning the Brookfields Farm Conservation Easement and Purchase of Development Rights, has considered all comments received at the public hearing, and has contemplated whether such purchase of development rights is in the over-all public interest,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board, approving, with the County of Orange, to purchase the development rights of the Brookfields Farm, by means of a conservation easement and purchase of development rights, where the Town of Goshen will contribute \$406,665.00 from its Purchase of Development Rights Program for approximately 90 acres of Brookfields Farm, and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes the Town Supervisor, Douglas Bloomfield, to execute the attached Conservation Easement, and any other documents necessary to effectuate the purchase of development rights for Brookfields Farm, including, but not limited, to the Monitoring Plan for such Conservation Easement, and to effectuate the stated intentions of this Resolution.

Vote: This Resolution carried by a vote of 4 Ayes and 0 Nays.

Supervisor Bloomfield thanked Attorney Rick Golden and Councilman Cappella for all their hard work they did putting this together.

**2. Appoint Lambros (Louis) K. Adamis to Environmental Review Board:**

Supervisor Bloomfield read a Memo from Neal Halloran, Building and Zoning Inspector, in regard to the appointment. The letter stated:

The ERB considered the applications of several people for the position of ERB member. They would like to suggest the Town Board approve the appointment of Lambros (Louie) K. Adamis. Several members know him and the feeling was that he would work best with the existing members and within the structure of the Board.

Councilman Canterino made the Motion to appoint Lambros (Louie) K. Adamis to the position of ERB member. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

**H. PRIVILEGE OF THE FLOOR:** No response

The Board wished everyone a Happy Thanksgiving.

**I. AJOURNMENT:** Supervisor Bloomfield made a Motion to go into Executive Session to discuss MTBE litigation, with intent not to return. Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

Time: 8:20 p.m.

---

Valma Eisma, Town Clerk

