

TOWN OF GOSHEN  
**TOWN BOARD MEETING**  
JANUARY 22, 2009  
M I N U T E S

A regular meeting of the Town Board of the Town of Goshen was held on the 22nd day of January, 2009 at 7:30pm 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
	Louis Cappella	Councilman
	George Lyons	Councilman
	Kenneth Newbold	Councilman

Also Present:	Dennis Caplicki	Attorney for the Town
	Priscilla Gersbeck	Deputy Town Clerk

**A. CALL TO ORDER**

The meeting was called to order by Supervisor Bloomfield at 7:36pm, followed by the Pledge of Allegiance

**B. AMENDMENT TO THE AGENDA**

Supervisor Bloomfield added Woodland Estates to New Business and changed the order of the meeting.

**C. PRIVILEGE OF THE FLOOR**

No one made a request to be heard.

**D. OLD BUSINESS**

**1. Building & Zoning Fee Schedule**

Supervisor Bloomfield referred to a memo from Neal Halloran (Building & Zoning Dept.), proposing that charges be set at \$125.00 per hour to cover services for fire inspections. This fee is a new addition. Services include hourly hard costs of the personnel who are involved in the inspections and some soft costs such as automobile and telephone usage. Secondly, a schedule of fees pertaining to Chapter 85, 49C of the Town of Goshen Code, showing increases to Building, Planning and Zoning Fees was submitted. Attorney Caplicki explained the increase in fees with one modification to the Building Permits. The change is to Building Permits \$105.00 plus \$.50/sq. ft. to \$105.00 plus \$.55/sq.ft. Therefore, Councilman Canterino made the motion to amend the Building Permit fee from \$.50/sq. ft. to \$.55/sq. ft. Councilman Lyons seconded the motion.

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

After a lengthily discussion, the following Resolution was introduced:

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; Modification of Building Code Administration Fees as set forth in  
Chapter 49C of the Code of the Town of Goshen

INTRODUCED BY: Councilman George Lyons

SECONDED BY: Supervisor Douglas Bloomfield

DATED: January 22, 2009

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 22<sup>nd</sup> day of January, 2009;

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, Chapter 49C of the Code of the Town of Goshen entitled 'Building Code Administration' provides for a schedule of fees for the submission of applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy/ certificates of compliance, temporary certificates, operating permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer, and

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

WHEREAS, pursuant to Section 85-2 and Section 49C-16 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 Board of the Town of Goshen does hereby modify the fees as set forth in Chapters 85 and 49C of the Code of the Town of Goshen to the extent 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

STATE OF NEW YORK)

:S

COUNTY OF ORANGE)

I, Valma Eisma, Town Clerk of the Town of Goshen, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Town Board of the Town of Goshen at a meeting of said Board held on 22nd day of January, 2009.

VALMA EISMA

**Schedule of Fees**  
**Chapter 85, 49C**

**Building and Zoning Office**  
All fees are due at the time of filing

<b><u>Building Permits</u></b>	\$105.00 plus \$.50/sq.ft. changed to \$.55/sq.ft.
Buildings	
Additions	
Inground Pools	
Sheds	
Porches/decks	
Above Ground Pools	\$105.00 plus \$5.00/1000
<b><u>Planning Board Fees</u></b>	
Applications	
Subdivisions:	
Conservation Analysis & Sketch Plan	
Less than 50 acres	\$525.00
Over 50 acres	\$800.00
Hamlet	\$1,050.00
Preliminary	\$525.00 plus \$150.00/lot
Final	\$275.00 plus \$100.00/lot
Escrow	\$1,000.00/lot
Site Plan or Conditional Use	
Application	\$525.00 plus \$120/du or \$55.00 per 1,000 sq. ft. floor area
Escrow	\$2,500.00 Conservation Analysis \$1,000.00/du or \$50.00 per 1,000 sq.ft. floor area
Signs	\$160.00 plus \$1,000.00 escrow
<b><u>Zoning Board of Appeals</u></b>	
Applications	\$450.00 plus \$1,000.00 escrow
<b><u>Municipal Search</u></b>	
Request for letter	\$135.00
<b><u>Fire/Fire Safety Inspections</u></b>	Fee(s) for inspection(s) performed by the Code Enforcement Officer and/or an Inspector designated by the Code Enforcement Officer; calculated at the rate of \$125.00 per hour of time expended.
<b><u>Property Maintenance Inspections</u></b>	Fee(s) for inspection(s) performed by the Code Enforcement Officer and/or an Inspector designated by the Code Enforcement Officer; calculated at the rate of \$125.00 per hour of time expended.
<b><u>Operating Permit</u></b>	\$150.00 each

Escrows are payable with the application and must be maintained.

**E. REPORTS**

**Councilman Canterino** No report at this time.

**Councilman Lyons** reported that time clocks were installed at Craigville Park and in the Joint Recreation Offices to eliminate discrepancies in employee’s times. Also the Park staff is required to put in a daily work log as to what they have done in that time. Thomas Cione is working on the application to create a 503C – Not for Profit Foundation – called “The Friends of Goshen Parks”. This will enable the JRC to apply for certain grants requiring a 503C and to allow fund raising. The JRC is looking into creating more camps for kids at no cost to the Village or Town residents. They will be self sustaining. The Goshen High School has a Green Team. They are requesting to do some volunteer work at the Salesian Park.

Councilman Lyons met with Graham Skea. He indicated that he will volunteer his time along with a landscape architect, to be named in the future, to design a layout for the Salesian Park. There was some discussion among the Board Members pertaining to this “Passive Park”. In brief, changes to the original four phases outlined in the grant, likewise any changes to the Park *must* be discussed/decided at a Joint Village and Town meeting. Notification should be sent to the Village requesting that this be added to a future agenda with the Joint Village/Town meeting.

**Councilman Newbold** acknowledged the passing of William Lotz. He will be remembered as a good citizen who was involved in many Goshen activities.

**Councilman Cappella** reported that the Senior Commission will address a cost control plan to trim expenses at their next meeting. No report from Highway at this time.

**Supervisor Bloomfield** summarized a meeting he had with Councilman Canterino, William Standish our Budget Officer and all of the Department Heads, including the Leaderships from GOVAC, Senior Center, JRC and the Humane Society. Supervisor Bloomfield presented the background of the Towns’ financial status for the past two years and looking into 2009. He asked each of the Departments to engage their employees to find ways to save money and/or to find revenues for their Departments. He requested that those in attendance return to him in a couple of weeks with their findings. This information will be reviewed and incorporated into the Cost Control Plan for 2009. Councilman Canterino noted that the Town was not going to cut or remove any programs currently in use. It is up to the Departments to find ways to minimize spending.

**APPROVAL OF MINUTES**

A. Councilman Newbold made a motion to approve the minutes of the Special Town Board Meeting of December 29, 2008. Councilman Lyons seconded the motion.  
On a Voice Vote, the motion was passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold  
0 NAYS

B. Councilman Newbold made a motion to approve the minutes of January 05, 2009. Councilman Cappella seconded the motion.  
Discussion: Councilman Lyons submitted corrections which the Clerk agreed to correct.  
On a Voice Vote, the motion was passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold  
0 NAYS

C. Councilman Canterino made a motion to approve the minutes of January 08, 2009. Councilman Lyons seconded the motion.  
On a Voice Vote, the motion was passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold  
0 NAYS

## F. NEW BUSINESS

### 1. Woodland Estates Request To Reduce Performance Bond

Supervisor Bloomfield referenced a letter written to the Town Board from Sean T. Hoffman, P.E. a Consulting Engineer with Riddick Associates, P.C. It states "We have been requested by the Building Inspector to provide our opinion on the reduction of an outstanding \$736,000 performance bond for Woodland Estates, aka Houston Subdivision in accordance with the December 2, 2008 correspondence by the developer, Toby Hirsch. As you may be aware, the Town Code [§83-25.E] allows the Town Board to reduce the performance guarantee as work is completed." The letter goes on to say, "It is our opinion the value of the remaining work to be completed is \$169,300. This value is based on the original performance bond calculation by the former Town Engineer dated June 2007 and the condition of the improvements during our inspection of December 5, 2008. In accordance with the provisions of the Town Code [§83-25], the release of the performance guarantee has typically been reviewed by the Planning Board [§83-25.G.] and is within the discretion of the Town Board. We also recommend you solicit and consider the comments of the Highway Superintendent."

In the past, the Highway Superintendent was asked for his comments. This is done if the project has an impact on roads traveled.

Furthermore, Supervisor Bloomfield has an Irrevocable Letter of Credit No. 2336, Beneficiary: Town of Goshen from Provident Bank representing the applicant: Woodland Estates, LLC dated January 22, 2008 expiring on January 22, 2009 (today).

A memo was submitted to the Town Board from Neal Halloran, Building Inspector, stating that the Planning Board has reviewed the report from Riddick Associates that the performance bond be reduced based on the amount of work that was completed. It is their recommendation that the Town Board reduce the bond to the amount recommended by the Town and Planning Board Engineer.

Councilman Canterino voiced his dissatisfaction with the Town procedure of taking in Irrevocable Letters of Credit. He would like to see changes to that procedure. He also felt that this issue should have been addressed before the expiration day.

Supervisor Bloomfield opened discussion to create the motion.

Councilman Canterino suggested that we pass a motion for a Bond not a Letter of Credit. Prior to the year 2000 we always used cash Bonds. The Town Code was changed in 2004 making a Letter of Credit acceptable. A Letter of Credit is less expensive for the developer to post and the risk to the bank is minimal. It was suggested that the Town request a \$200,000 Letter of Credit, because to enforce the Letter of Credit will be costly to the Town. Attorney Caplicki advised the Board to pass a resolution to post a Performance Bond immediately subject to the confirmation that this be acceptable to the Superintendent of Highways.

Councilman Canterino made a motion that Woodland Estates, LLC be notified that they are to immediately post a Performance Bond of \$200,000 with the Town of Goshen in connection with the Woodland Estates Subdivision, subject to the confirmation that this be acceptable to the Superintendent of Highways. The motion was seconded by Councilman Cappella.

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

**G. FINANCE**

Councilman Canterino made a motion to authorize the Supervisor to pay manual checks of A/P run dated December 28, 2008 amounting to \$163,931.69 and manual escrow checks amounting to \$7,862.00. Manual check: Reservoir Road Ban amounting to \$248,401.07. Also A/P check run amounting to \$171,793.69. Councilman Newbold seconded the motion.

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

**H. PRIVILEGE OF THE FLOOR**

No one made a request to be heard.

**I. ADJOURNMENT**

Meeting was adjourned at 8:30PM

**I. EXECUTIVE SESSION**

Councilman Newbold made a motion to go into Executive Session to discuss the following:

1. Deposition of Police Investigation
2. Interstate Waste Host Community Agreement Proposal
3. JRC – Legal Matter
4. Status of Billing Negotiations

with the intent not to return. The motion was seconded by Councilman Cappella. Motion carried.

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Priscilla Gersbeck, Deputy Town Clerk