

TOWN OF GOSHEN

**TOWN BOARD WORK SESSION**  
**MARCH 23, 2009**

MINUTES

A work session of the Town Board of the Town of Goshen was held on the 23<sup>rd</sup> day of March, 2009 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  
Kenneth Newbold Councilman  
George Lyons Councilman

Absent: Louis Cappella Councilman

Also Present: Dennis Caplicki Town Attorney  
Valma Eisma Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:31 p.m.

**ITEMS DISCUSSED:**

**1. RESOLUTION TO AUTHORIZE THE SUPERVISOR TO SIGN A RESPONSE LETTER TO ORANGE COUNTY COMMENTS REGARDING THE COMPREHENSIVE PLAN REVIEW PER SECTION 239, GENERAL MUNICIPAL LAW:**

Supervisor Bloomfield explained the Board has before them a response letter to the Orange County Planning Department, addressed to David Church, Commissioner of Planning. This response letter is required under Section 239, General Municipal Law in regard to the comments issued by the County in reference to the updated Comprehensive Plan, Final Environmental Impact Statement, Local Law #1 of 2009 – Zoning Text and Local Law #2 of 2009. The Supervisor stated the response requires the Town Board address each of the comments made by the County, and the letter consists of nine pages.

Councilman Newbold made a Motion to authorize the Supervisor to sign the Response Letter to Orange County. Councilman Lyons seconded the Motion.

**TOWN OF GOSHEN  
RESOLUTION**

**Authorization for Supervisor of the Town of Goshen to Sign Annexed Correspondence to Orange County Department of Planning With Respect to Orange County Comments Pursuant to General Municipal Law §239 I, m & n Concerning Town of Goshen Comprehensive Plan Update and Local Law Nos. 1, 2 of 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 23<sup>rd</sup> day of March, 2009;

**WHEREAS**, the Town Board of the Town of Goshen received correspondence from the County of Orange, Department of Planning with respect to the review, analysis and recommendations with respect to the Town of Goshen's proposed Comprehensive Plan Update for the Town and Local Law Nos. 1, 2 of 2009, and

**WHEREAS**, the County of Orange report recommended approval of the Town of Goshen's Comprehensive Plan Update and Local Laws 1,2 of 2009 subject to modification as per comments I-1, I-2, I-3, I-4, 1-5, II-B-5, III-A and III-B, and

**WHEREAS**, the Town Board of the Town of Goshen at a meeting of the Town Board on February 23, 2009 by a majority plus one vote, adopted the Resolution and Notice of Adoption adopting the Comprehensive Plan Update and enacted Local Laws 1, 2 of 2009 amending Chapters 97, 83, 71 and 61 of the Code of The Town of Goshen and rezoning various parcels within the Town, and

**WHEREAS**, pursuant to General Municipal Law, the Town of Goshen is required to provide to the County a report of local final action, setting forth the reasons for the Town acting contrary to the Orange County Department of Planning's (County) recommendations, and

**NOW, THEREFORE, BE IT RESOLVED**, that the reasons for the Town acting contrary to the Orange County Department of Planning's (County) recommendations are as set forth in the annexed correspondence directed to David Church, Commissioner of Planning, Orange County Department of Planning dated Mach 23, 2009 and the Supervisor, Douglas Bloomfield, is authorized to sign and process same.

Upon Roll Call Vote:

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

Councilman, Kenneth Newbold      AYE  
Vote: Resolution carried by a vote of 4 to 0.

At completion of the vote Supervisor Bloomfield signed the response letter and Attorney Caplicki will hand deliver it to the Department of Planning in the morning.

**2. PLANNING BOARD INPUT FOR IWS APPLICATION TO EXPAND:** Supervisor Bloomfield stated the Board did not receive the input expected and if received will be reviewed at Thursday's regular business meeting.

**3. RESOLUTION TO AUTHORIZE SUPERVISOR TO SIGN PBA CONTRACT FOR 1/1/2007 THROUGH 12/31/2008:** Supervisor Bloomfield stated the Board had previously given him authorization to sign a Memorandum of Understanding, and he had signed it. He said it has taken all this time for the PBA and our attorney to verify that what we have in these two contracts are word for word of what we agreed to. Attorney Caplicki will prepare a Resolution for Thursday's meeting.

**4. ERB INPUT FOR THE WAYWAYANDA PUBLIC HEARING, 4/8/2009:** Supervisor Bloomfield reported this input has not been presented to the Board either. He went on to explain that there is a corporation that wants to build a power plant in the Town of Waywayanda. He said it would be gas fired, along with fuel oil fired. He reported he had met with the ERB a week ago and asked them to review this, as it is a big project. He said the oil storage tank will hold one million gallons and that is only for one month. He said Attorney Golden's assistant Kelly Norton will be drafting a letter that either she or the Supervisor will present at the Public Hearing which will be held on this project. He said his concern is for the emissions that will be coming from a plant such as this. The Supervisor said the Public Hearing is on the 8<sup>th</sup> of April, and when something this large is built, "it will have an impact". He will place it on the first work session in April and so that the Board can review the ERB's input.

**5. RESOLUTION APPROVAL OF CENTRAL SEPTIC SYSTEM CONCEPT: NEW HORIZONS SUBDIVISION:** Attorney Caplicki stated the Board has had a number of presentations from New Horizons and the actual owners of the project that is known as Sunset Ridge Associates. He explained the project, and noted that this project has been before the Town, in various stages, for approximately thirty years. It went from approximately 200 units and is now down to a proposed 8 lot subdivision. Attorney Caplicki said the development would be serviced by a community sanitary wastewater collection and disposal system that will be operated by the Home Owners Association. As the Town Engineer has reviewed and found the system to be satisfactory, this Resolution states that the Town Board has no objection to the system and is forwarding it back to the Planning Board.

Councilman Newbold made a Motion to Approve the Central Septic System Concept for New Horizons Subdivision Project. The Motion was seconded by Councilman Canterino.

Supervisor Bloomfield called for discussion. Councilman Lyons expressed concern, saying "I remember the last conversation we had and I know Riddick appeared to have a laundry list of different things." He asked what is the Town's responsibility going to be here now, if any, as far as this sewer system, as what we have said over and over again, when these things fail, it falls back on the town. Attorney Caplicki stated minimal, if any. He said Councilman Canterino addressed this at the last meeting, when they were here before, "that we will require a formation of a Transportation Corporation, an existing Homeowners Association and there may

also be some further legal requirements tied into the specific deeds or lots." All of this will be done so that the Town does not become responsible for the operation or maintenance of this system in the future. Councilman Canterino mentioned a bond and Attorney Caplicki stated "I was going to mention that, but did not want to prejudice what the Planning Board may do, meaning this is being communicated to the Planning Board, they pretty much have carte blanche in terms of requirements, but it will certainly be known to them that the Board discussed conceptionally, everything from transportation corporations, to homeowners associations, to even bonds to make sure that no way would the town ever face any exposure financially in regard to that particular system."

Supervisor Bloomfield stated "we should probably put that, when you are dealing with Rick, a little note to him, saying here is what has to be done to satisfy the Town Board in passing this resolution." Attorney Caplicki stated he would enforce to him (Planning Board Attorney Rick Golden) that they should take every act to make sure that the Town's exposure is non existent." Supervisor Bloomfield said "I was going over the minutes of the last meeting, where we had this, and the minutes had two things, one the system had to be robust, and number two it had to be such that the town would not have to take it over if it failed."

## **TOWN OF GOSHEN RESOLUTION**

### **Approval of Central Septic System Concept for New Horizons Subdivision Project; Hampton Road, Goshen, New York**

INTRODUCED BY: Councilman Kenneth Newbold  
SECONDED BY: Councilman Philip Canterino  
Dated: March 23, 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 23<sup>rd</sup> day of March, 2009;

**WHEREAS**, Sunset Ridge Associates is the owner/applicant with respect to New Horizons Subdivision, a subdivision of approximately 54.22± acres located on Hampton Road and Phillipsburg Road in the Town and known on the Tax Maps thereof as Section 10, block 1, Lot 28, and

**WHEREAS**, the applicant has appeared before Town Board and submitted materials to the Town indicating that it is the intention of the applicant to develop the aforementioned real property into eight (8) lots; such lots to be serviced by a community sanitary wastewater collection and disposal system, and

**WHEREAS**, Riddick Associates, P. C., the engineer for the Town of Goshen, has reviewed the proposed engineering plans for the community sanitary wastewater collection and disposal system, and

**WHEREAS**, Riddick Associates, P.C., as engineers for the Town of Goshen, has found the proposed community sanitary wastewater collection and disposal system to be satisfactory from an engineering standpoint, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Sunset Ridge Associates/New Horizons Subdivision application with the aforesaid community sanitary wastewater collection and disposal system, as reviewed and found to be satisfactory by Riddick Associates, P.C. be forwarded to the Planning Board, Town of Goshen for processing in the normal course.

Upon Roll Call Vote:

Supervisor Douglas Bloomfield	AYE	Councilman Philip Canterino	AYE
Councilman Louis Cappella	Absent	Councilman Kenneth Newbold	AYE
Councilman George Lyons	AYE		

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

**6. HERTAGES ESTATES PETITION FOR FORMATION OF WATER AND SEWER**

**DISTRICTS:** Supervisor Bloomfield explained that over a year ago petitions to form both a water and sewer district for Heritage Estates were submitted to the Town. Everything was put on hold due to the moratorium. Attorney Caplicki stated that prior to the creation of any water/sewer district, it is required by law, to have a Public Hearing. He suggested a Public Hearing date should be set at Thursday's meeting. Supervisor Bloomfield stated that the Board really has not received much information about this project, and he would like a pre-submission from them prior to the Public Hearing. Attorney Caplicki replied the petitioner can supply the Board with all the information at the Public Hearing. Attorney Caplicki will talk to the other attorney and ask for a preliminary submission for the Board, prior to the Public Hearing.

**7. REQUEST FOR ATTENDANCE FOR GOVAC ANNUAL AWARDS DINNER:** Supervisor Bloomfield reported the Board has been invited to attend the Annual Awards Dinner for the Goshen Volunteer Ambulance Corps. It will be held on April 18, 2009 at the Otterkill Country Club. Supervisor asked who would be attending, and the Board decided they would all attend if possible. Supervisor Bloomfield stated these are people who put in large numbers of hours and are very dedicated.

**8. REQUEST BY GOSHEN RECEIVER OF TAXES TO RAISE THE FEE FOR 2<sup>ND</sup> NOTICES FOR "PAYMENT DUE" TO \$2.00 PER RPTL STARTING YEAR 2010:** Supervisor Bloomfield explained that Judith Andrews, Receiver of Taxes, has asked to raise the fee to send out the second notices to the taxpayers who have not yet paid their taxes. This notice is required by law and there is now an additional \$1.00 added to the tax bill to pay for this. Mrs. Andrews said there were two and a half times (625) the number of 2<sup>nd</sup> notices sent out this year. She recommended that the Board raise the fee to the \$2.00 allowed by RPTL for the coming year 2010. Councilman Newbold made a Motion to raise the fee to \$2.00 and it was seconded by Councilman Lyons. Attorney Caplicki said he had not heard of this prior to this meeting and he would like to verify that it would be allowed. Councilman Newbold withdrew his Motion and the request will be placed on the agenda for Thursday night. Attorney Caplicki will review it and report back to the Board.

**9. REQUEST BY THE GOSHEN BICENTENNIAL COMMITTEE FOR A MONETARY CONTRIBUTION FOR THE UP COMING CELEBRATION:** Supervisor Bloomfield explained the Bicentennial Committee is asking for a monetary contribution from the Town. Supervisor Bloomfield asked the attorney if taxpayer money should be spent in this way? Attorney Caplicki replied since it was on a municipal basis, as it would be going to the Village of Goshen, it would be permissible. The Board discussed it at length. Councilman Newbold said he felt it was a personal thing and he felt the Board should not be spending taxpayer money in this way. It was

decided the Supervisor would ask for individual donations from the Board and employees within the building or elsewhere in the Town.

**10. SPECIAL PERMIT APPROVAL FOR PAC IN RU ZONE:** Supervisor Bloomfield stated in the past, before the passing of the new Local Laws, the Planning Board was responsible for issuing these special permits, such as the PACs. He said the Board had a problem with this and felt that with the development of the new code and Comprehensive Plan, the Board said they wanted it in the jurisdiction of the Town Board. He said then the Town Board could say yes or no to the special permits. He said however, when the Local Law was reviewed it was never changed. The Supervisor said under these circumstances is this the way we want it or if not how do we change it? He asked what were the feelings of the Board? Attorney Caplicki stated in reviewing his notes he said "we started out with the Planning Board, changed it to the Town Board, having the initial threshold approval concept on a PAC any where in the Town, if you remember we took it out of the CO Districts, and then my notes reflect we went back to leaving it at the Planning Board level, but I have no explanation or rationalization as to why that change went back". However, he said that is what is in the code at this time, and it would take a simple amendment to change it.

The Board discussed it at length, all members feeling they had wanted it to come to the Town Board first and the Town Board would make the final decision. There were various ways of handling a new application discussed. Councilman Canterino stated the Board wanted the Planning Board's recommendation, but the Board would have final approval. Attorney Caplicki will review it and he said it will be a simple amendment and will be Local Law #3. Attorney Caplicki will prepare the necessary documents for the Board's review.

**11. FRED LEWIS COMPUTER REPORT:** Supervisor Bloomfield explained he met with Fred Lewis, whose company provides our computer soft ware and hard ware support, and Barbara Sokolofsky; secretary to the Supervisor, to review the past years to see how we are doing. The Supervisor referred to page 4 of a packet that was presented to the Board, saying that Mr. Lewis took over in 2007. He pointed out that in 2007 the Town spent \$54,527.80, in 2008 \$14,688.53, 2009 \$9,660.52. He explained that in 2007 the servers in the Town Hall and the Police Station had to be replaced. Supervisor Bloomfield said he went around the building talking to the employees and asking how they felt about the computer service, and everyone was very pleased. All problems are handled over the phone or someone is promptly sent to correct the problem. Mr. Lewis was hired in 2007 after a bad experience with another company, where the computers were sometimes down for days at a time, with employees unable to do their work. Mr. Lewis's advice to the Supervisor, at the close of the meeting, was "never, never let it get that bad again", referring to 2007. He also reviewed his plans for the coming year,

**12. NYS OPEN MEETING LAW:** Supervisor Bloomfield referred to a newspaper article about Executive Sessions and asked Attorney Caplicki's opinion. The article referred to the use of personnel when going into Executive Sessions and the fact that just the word personnel is not allowed. Attorney Caplicki stated the Board cannot go into Executive Session just saying personnel, there must be a specific statement as to what the reason is. Such as "an employee of the Highway Department who may be terminated".

**13. TIME WARNER CABLE FRANCHISE RENEWAL:** Attorney Caplicki referred to a letter of February 27, 2009 stating that the Temporary Operating Authority under which Time Warner-Orange County has been providing service in the Town of Goshen expired February 22, 2009. They are asking for an extension and Attorney Caplicki contacted them, at the Board's request, and they said they submitted the renewal to the Town in 2005. He said he assumes the papers went to the prior attorney. Time Warner is sending another, and when he receives it he will review it and present it to the Board.

**14. 2009 FIRE PARADE 9/5/2009:** Supervisor Bloomfield reported he received a letter from the Goshen Fire Department asking if the Town would be interested in providing a float for their night time float parade. The float parade is part of the activities connected to their Fire Parade scheduled for September 5, 2009. He asked if there was any interest? Supervisor Bloomfield asked the Councilmen to talk to the various departments they work with to see if there would be any interest and he will check with the employees in the town Hall.

**15. JOINT RECREATION BYLAWS OF FRIENDS OF GOSHEN PARKS:** Supervisor Bloomfield asked Attorney Caplicki if he had researched the words "charitable organization" with Attorney David Donovan. Attorney Caplicki replied he is not ready to give the Board a complete response on this. He said however, he talked to Justice Cione, who drafted the bylaws, but he is not ready to give the Board his final recommendations. The Board discussed the proposed bylaws and whether the JRC can be a charitable organization.

**16. SUMMER YOUTH EMPLOYMENT:** Supervisor Bloomfield said there is a summer youth employment project and they are asking if the Town could provide jobs for some of the young people. He said he had spoken to the Department Heads in the Town Hall and since the young people have to be supervised at all times it would be difficult to use them since many of the material in some of the offices are extremely confidential and it would be time consuming to have to stop and teach them how to do the duties. He said Highway said they could use one or two employees, and when Councilman Cappella returns from his vacation he can make the final arrangements for them. Councilman Lyons will speak to the Joint Recreation Commission and see if some of the young people could work with them.

**17. DEVELOP TOWN IDA:** Supervisor Bloomfield reported the Board had talked some time ago about creating its own IDA (Industrial Development Agency). He explained that the County had handled two projects, one in the Town and one in the Village, in this last year, both having an impact on the Town. The Supervisor asked the Attorney just what the Board would have to do. Attorney Caplicki said a formal act from the Legislature is required to form an IDA. The Board would have to obtain a bill through the State Legislature authorizing the Board to create the IDA. He said the advantage of the IDA, is it allows the Town to control the development and approval of a proposed project in the Town and the Village. Attorney Caplicki stated there is some expense, but it should be minimal. Councilman Canterino said he felt it would be a good vehicle to attract commercial development and control taxes. Attorney Caplicki stated when the County controls the project many times there are in lieu of taxes, reduced taxes, etc.

Supervisor Bloomfield stated the Town has a rather large proposed development coming up and he would like to have an IDA in place by that time. He said he would like the Town to be in control for this project and not the County. The Board agreed to have Attorney Caplicki pursue it and gather whatever information is needed, and report back to the Board.

**18. IRS TAX RELIEF FOR WATER & SEWER CHARGES:** Supervisor Bloomfield asked Councilman Canterino to address the Board in regard to this item. Councilman Canterino presented the Board with a packet from the IRS Code of Federal Regulations that would allow a percentage of your water/sewer bills to be deducted from your IRS taxes. He said he had already talked to our controller and see if the Board could get some relief for our residents. He said the Village would have to enact the same thing. Councilman Canterino explained that the Town would have to get the operating figures from the Village, figure out the percentages, and

make a Resolution. Then give the residents the percentage they can then take to their accountant when they file their taxes, and say this is the amount I can deduct from my income tax. Councilman Canterino will pursue this with Budget Officer William Standish who can contact the Village, and report back to the Board and the Board will do a Resolution.

Councilman Newbold reported someone is putting up a fence on Reservoir Road very near the road and in the reservoir road. He said he stopped to talk to the person installing it and was told if he did not like it on this side of the road, "wait till you see the other side". He said the fence is about 5 feet tall. Attorney Caplicki will investigate the fence and contact the Supervisor in the morning.

**19. FINANCIAL AUDIT OF SEWER CHARGES:** Attorney Caplicki reported Steve Brown has been working on this and the Village has been a little slow in responding. He said however, the Village Attorney has said they will cooperate in every way. Their attorney said the Town could expect a response to Mr. Brown's letter as soon as tomorrow or the latest by Thursday.

**EXECUTIVE SESSION:** Councilman Newbold made a Motion to go into Executive Session to discuss:

1. Sullivan Litigation/Enforcement Status
2. Land Donation Status
3. IWS – 80B Status update

With the intent not to return. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

Time: 8:45 p.m.

---

Valma Eisma, Town Clerk