

TOWN OF GOSHEN
TOWN BOARD WORK SESSION
April 6, 2009
M I N U T E S

A work session of the Town Board of the Town of Goshen was held on the 6th day of April, 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

The meeting was called to order by Supervisor Bloomfield at 7:33pm.

1. HIGHWAY REQUESTS: DEPUTY ROBERT LERCARA

Councilman Cappella introduced Robert Lercara, Deputy Superintendent of our Highway Department, who will present equipment requests for the Highway Dept. Highway Superintendent Andryshak was unable to attend due to illness.

Mr. Lercara presented fact sheets from Showalter's Equipment and from Keil Equipment Co. Inc. outlining specifications and costs for plows, tractor and mowers. One Boss plow installed on a 2001 Dodge 2500 would cost \$4,300.00 and 1 Boss plow installed on 2002 Dodge 3500 would cost \$4,400.00. For consideration are three trade in items totaling \$3,200.00 which will bring down the total from \$8,700.00 to \$5,500.00. Another item is a used 1992 Case-IH 595 Tractor totaling \$8,995.00 with a trade in consideration in the amount of \$2,000.00 will bring the cost of this item to \$6,995.00. The two Flail Mowing Systems (side mounted & 3pt. hitch) will total \$8,724.10. With \$150,000 in the budget for equipment, Supervisor Bloomfield cautioned the DPW to make a wise decision. DPW purchases should be carefully researched not only for the best deal, but for durable functionality. He reminded them to conscientiously save for purchasing a truck and/or for emergency spending at the end of the year. Ultimately this is the decision of the DPW as they need to replace old/inefficient equipment.

Councilman Cappella was proud of the DPW for spending only \$22,000 last year on the gasoline/diesel dispensing system and halted all other spending for capitol improvement. Furthermore, the gas dispensing system is working out great, no cards, no more turning knobs, and it is very efficient.

2. ERB INPUT REVIEW FOR WAWAYANDA PUBLIC HEARING REGARDING A NEW ELECTRIC GENERATING PLANT

Neal Halloran, Building and Zoning, submitted a copy of an eleven page letter from the ERB to the Town of Wawayanda Planning Board ~ "Lead Agency." This letter is in response to the proposed CPV Valley Energy Center electric generating plant located in the Town of Wawayanda which will be within a three mile radius of the Town of Goshen. The CPV Valley Energy Center DEIS (Draft Environmental Impact Statement) was reviewed extensively (at the request of the Town Board) by the ERB to submit concerns found in the DGEIS. This letter covers impacts relating to *Land Use, Zoning and Public Policy, Community Facilities, Visual Resources, Air Quality, Noise, Geology, Seismology and Soils, Water Resources, Ecology, Community Character, Cumulative Impacts, Other Environmental Impacts, Alternatives*, and other numerous miscellaneous impacts that need to be addressed.

The public hearing will be held Wednesday at the Town of Wawayanda Town Hall. The Town of Goshen will be represented by several members of the ERB, Supervisor Bloomfield, Neal Halloran and other concerned citizens residing in Goshen. Copies of this letter will be submitted to the designated members involved in the SEQRA process and to the general public who are interested in this project.

Councilman Canterino was concerned that the media releases he has read are of a positive nature and of no significant consequence to the environment. In fact, when he read the letter from the Town of Goshen ERB he was alarmed that critical issues were not satisfactorily explored in the DEIS. He is impressed with this letter and strongly suggested that the proper Lead Agency officials each receive a copy before the public hearing.

Neal Halloran pointed out significant items of negative environmental impacts to the area that he would like to see brought up at the public hearing. In addition, he submitted a document outlining the *Oral presentation to the Town of Wawayanda on the proposed electric generating plant*.

Supervisor Bloomfield said that when you build something this big, it's going to have an impact of some sorts. For example, he referenced the usage of the *one-million gallon oil* storage tank. With the size of this proposed plant and the processing/storage of chemicals...what if there is an explosion/fire? In all of Orange County do we have enough fire equipment to put it out? We need details of emergency service organizations to respond to the variety of emergencies that can occur at this plant. The DEIS was void of adequately addressing this issue. This may be a great thing for Orange County in terms of clean energy, but by answering these questions they'll have a better understanding if it's great or not. That's the purpose of the SEQRA review.

Councilman Cappella stated that he hopes the issues covered in this letter will alert the public awareness to put on more pressure for our concerns to be answered, not only for the residents in Goshen, but for everyone surrounding this proposed plant.

Councilman Newbold suggested that Goshen present their letter of findings before the Union people speak. The Union workers will be in support of the various jobs this plant will provide. However after the plant is completed it is said, that only 25 people will be employed.

The Town Board was impressed with the effort and time that the ERB dedicated to reading the DGEIS on the CPV Valley Energy Center. The response document is thought provoking, detailed, has exhibited clear and objective thinking and provides exceptional environmental concerns to be addressed. A job well done!

3. REVIEW OF PROPOSED WATER AND SEWER RATE CHANGES AND PLANNED PROJECT ACTIVITY

Supervisor Bloomfield explained that every April the Town has a meeting with all of the water and sewer districts. The purpose of the meeting is to tell them the status of the water and sewer districts, what kinds of problems we have, what our capital improvements are, what we have done in the past twelve months, what we intend to do in the next twelve months and rate changes to accommodate the things we need or want to do. There will be a meeting in late April for all of the people involved in the Town water/sewer districts.

Supervisor Bloomfield reviewed the Rate Increase Analysis summary sheet submitted by William Standish, Town Budget Officer. For example; it illustrates that the two sewer districts (H. Park & Arcadia) have significant negative fund balances, whereas they have positive fund balances in the water districts. Mr. Standish calculated a 3% increase for 2009 upon the actual 2008 calculations to offset increase costs in the water/sewer districts. Another example shows StoneHedge having the capital (\$20,000) to build the back-up well and install new modern meters. In Scotchtown we have enough capital (\$35,000) to replace the leaking storage tank. Based on the other calculations in this analysis, the Town is showing no net increase in any district for next year.

William Standish submitted another document; "Proposed Rate Increase – Sewer & Water" which will be reviewed at a future meeting.

4. AL TURI LANDFILL APPRAISAL PROPOSAL – NORMAN BENEDICT ASSOCIATES, INC.

Attorney Caplicki stated that Norman Benedict Appraisal Services is recognized as the foremost authority on the appraisal of contaminated property. This has to do with the ongoing tax certiorari by Turi against the Town. He presented the Board with documentation of Norman Benedict's qualifications and the proposal for appraisal review services/scope of services communications. In this type of litigation, the appraisal is extremely important in the submission stage and possibly/subsequently at the trial stage in the event it can't be resolved. The documents will be reviewed by the Board and acted on at Thursday night's meeting.

5. REVIEW OF HERITAGE ESTATES PROPOSAL FOR PROCESSING SEWAGE IN SUPPORT OF FORMING A WATER/SEWER DISTRICT

Supervisor Bloomfield explained that Heritage Estates has asked us to form a water/sewer district. However, representatives from Heritage Estates were not present. With all due respect, speculating on the possible solutions to establish a water/sewer district will be tabled to the April 20th work session.

6. TIME WARNER CABLE FRANCHISE RENEWAL – STATUS

Attorney Caplicki has not received the renewal package as of this meeting. The renewal will be addressed upon receipt of correspondence.

7. RESOLUTION TO RAISE THE SECOND NOTICE FEE FOR 'PAYMENT DUE' TO \$2.00 STARTING IN 2010.

Receiver of taxes, Judith Andrews, submitted a memo to the Board stating that the Town had 2 ½ times (625) the number of 2nd notices sent out this year. She recommends that the Town raise the fee to the \$2.00 allowed by RPTL for the coming year 2010.

Attorney Caplicki stated that the action to be taken would be initiating a Local Law. He will prepare the text for presentation for Thursday's meeting. Meanwhile, he will check if this could be approved by a resolution.

8. SUMMER YOUTH EMPLOYMENT BY DPW – STATUS

Councilman Cappella has placed numerous calls to initiate the Summer Youth Program in the Town DPW. This department might benefit from this program. None of Councilman Cappella's calls have been answered. He will try to email them.

Councilman Lyons talked with Bonnie Mayefsky (JRC) about the program. She felt that the required supervision of the youth(s) would not be provided adequately in the Joint Recreation programs. Most of the summer programs are run by part-time people.

9. NEW HORIZONS SUBDIVISION CENTRAL SEPTIC SYSTEM – FOLLOW UP DISCUSSION

Supervisor Bloomfield read from a letter from Dennis Lindsay (Riddick Associates, P.C.) that stated the plans of the central sewer system are now technically satisfied. A letter, by resolution, was referred to the Town Planning Board on March 23. The Planning Board will review New Horizons central septic proposal for comments.

10. WALLKILL RIVER FLOOD PROJECT MAINTENANCE MEETING – STATUS REPORT

In 1987, The Town of Minisink, Wawayanda, Goshen and Warwick had an agreement with the County DPW to maintain/clean the Wallkill River not to exceed \$60,000. Goshen's portion of this was \$13,000. This agreement has been in effect for a long time. The designated Town Supervisors decided to meet this past week and update the agreement. The County wants to get out of maintaining the Wallkill River. The Orange County Water & Soil Organization would hire private contractors by obtaining competitive bids. The DEC would make a joint inspection of the River to find out what needs to be done. Likewise, they would supply us with more detailed information.

The Attorney for the County will draw up a resolution to amend the current contract. It will go from the County DPW to a private contractor under the control of the County Water & Soil. The charges would be rated on a percentage based on the amount of work involved.

Councilman Canterino was concerned as to the dollar amount involved if a catastrophic flooding occurred and a multitude of trees fell into the River. Supervisor Bloomfield assured him that the agreement would be of the same dollar amount of not to exceed \$60,000. Each Town involved would share a percentage of the cost as per their Township. We are waiting for the Resolution text to be presented.

11. RESOLUTION REGARDING "CONSENT JUDGEMENT" FOR LUBAVITCH OUTREACH CENTER

Attorney Caplicki addressed this tax certiorari petition regarding the assessment on one tax parcel on the 2007 and 2008 assessment rolls (2007/08 and 2008/09 tax years). The property is known as 12-16 North Church Street. Documentation of letters was presented to the Board. Basically, Jo Ann Soules (Assessor) negotiated a settlement whereby out of the total assessment of \$269,100 for the 2007/08 tax year, 70% or \$188,370 will be exempt and 30% or \$80,730 will be taxable; and where out of the total assessment of \$269,100 for the 2008/09 tax year, 90% will be exempt, or \$242,190 and 10% or \$26,910 will be taxable.

Supervisor Bloomfield read the Resolution and called for motion;

RESOLUTION

IT IS HEREBY RESOLVED, that Van DeWater & Van De Water, LLP, is authorized to enter into a Consent Judgment whereby there shall be a change in the taxable tax assessments for Jewish Lubavitch Outreach Center of Orange County whereby the taxable assessment shall be \$80,730 and the exempt assessment shall be \$188,370 for the 2007/08 tax year and whereby the taxable assessment shall be \$26,910 and the exempt assessment shall be \$242,190 for the 2008/09 tax year, and Van DeWater & Van DeWater, LLP is authorized to sign such papers and documents as are necessary to effectuate this settlement.

Goshen, New York

Dated: April 6, 2009

MOVED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman Philip Canterino

Discussion:

Councilman Lyons questioned the fact that the Assessor JoAnn Soules recommended Van DeWater & Van DeWater settlement which is on the letter head of April 2, 2009, but was signed by David Hagstrom. Why?

Attorney Caplicki explained that there were a lot of legal issues involved. We had to wait months for our Assessor to go the NYS Dept. of Real Property, for she didn't believe either David Hagstrom or me.

Councilman Canterino thought that this was internally handled and was amazed that David Hagstrom was involved in this. Response: This was a nightmare for six to nine months. There were issues taken up with the Village of Goshen and the opinions of our counsel, therefore, Mr. Hagstrom was brought in.

Supervisor Bloomfield felt that this issue was resolved about 3 or 4 weeks ago and was surprised to receive the Consent Judgment from Greenwald Law Offices.

Councilman Lyons questioned the format of Consent Judgment. The sign offs on this Consent Judgment will be changed to the Town of Goshen and the Petitioner. There was a great deal of discussion with regards to the text of this document. The necessary changes will be made to protect the Town.

UPON A ROLL CALL VOTE:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilman, Philip Canterino	<u>AYE</u>
Councilman, Louis Cappella	<u>AYE</u>	Councilman, Kenneth Newbold	<u>AYE</u>
Councilman, George Lyons	<u>AYE</u>		

VOTE: RESOLUTION CARRIED BY A VOTE OF 5 TO 0.

12. FINANCIAL AUDIT OF SEWER CHARGES – STATUS

Attorney Caplicki stated that the auditor, Stephen Brown, is still working on the project and hopes to have it completed by April 15th.

13. IWS APPLICATION TO EXPAND

We have received recommendations from our Planning Board on the expansion which was forwarded to IWS. Pending the context of the response, a formal scoping session will follow.

Councilman Canterino wanted to make sure that the DEC is aware of what the Town is looking for in this application. Attorney Caplicki will keep the DEC informed. On another note, what is the status of the fees that the Town is entitled to, referring to the Insurance coverage, inspection fees etc.? Response: IWS has filed the correct insurance documents. IWS claims that they are in compliance with the necessary fees that we are entitled to.

A list has been compiled of the potential carters doing business with IWS and letters have been sent to the carters informing them that they have to file for a permit and pay a fee to Town. We need to address the proper legalities/entities involved with inspecting the location operated by IWS. This will be taken up at a future meeting.

14. APPROVAL OF CINCO DE MAYO FIESTA

Supervisor Bloomfield referenced a Special Events Permit submitted from the Hacienda Restaurant to host the festival of Cinco de Mayo (May 5, 2009) from 4:00pm to 11:00pm. Val Eisma, Town Clerk, spoke to the Town Police Chief Marsh who mentioned that the Officer on duty will place safety cones there to indicate proper parking. He didn't think that there will be a need for Officers to work over time to keep this festival safe.

Discussion

Councilman Newbold noted attending last year's festival and had an issue with those who (in his opinion) are under-aged drinkers. "This is great for the community and great for the restaurant, they run a tremendous operation". However, he doesn't want to see anyone get into trouble/hurt crossing the road.

Councilman Cappella agreed - last year he drove by very late and people were crossing the street to their parked cars. It's *very* dark and with people crossing such a busy road, he is concerned with the safety issues involved.

Supervisor Bloomfield questioned the adequacy of traffic control. The owner is responsible, but he is busy with the customers and doesn't patrol the exterior grounds.

Councilman Lyons feels that there are more patrons in attendance than estimated on the permit.

Councilman Canterino will relay the concerns of the Town Board to the Town Police Dept.

15. COURTROOM/MEETING ROOM MEMO

Supervisor Bloomfield described that on several occasions when the courtroom/meeting room is used it is left in an unacceptable condition. This room is used for departmental meetings, public meetings and by the courts. No one likes to walk into a mess before a meeting. Furthermore, if items are not returned to their proper storage, there is a risk of theft. A memo was generated from the Clerk's office for all of the Department Heads to sign and make a copy to post in their office. This is an acknowledgement for the employees to be attentive and respectful of others who are using this room.

Supervisor Bloomfield called for comments from the floor.

Jerry Boss gave Councilman Canterino print-outs pertaining to IWS. One document is the EPLS which includes the name of Frank E. Celli Jr., the CEO of Highstar Waste Holding Corp. affiliated with IWS. Another document covers the 1985 Hinchey Investigations. This incorporates a comprehensive flow-chart of carting and organized crime in the Hudson Valley. With the materials presented, Mr. Boss would like to know if Mr. Frank E. Celli Jr. involvement in the Hudson Valley is someone we should be doing business with?

Supervisor Bloomfield questioned where does the responsibility for the vetting process lie?

Attorney Caplicki stated that there is a preamble addressing this in our current Town Code in Chapter 80B.

Councilman Cappella noted that this type of business has been in existence and operating in the area for awhile. In fact IWS provides service to the County.

Mr. Boss's point is that the people involved with IWS have been pushing us (the Town) and it is time that we should push back. We should ask the hard questions such as those pertaining to Mr. Celli's past indictment etc. In summary, Mr. Boss is questioning if IWS and their CEO is "fit" to be trusted to run a transfer station in this Town

EXECUTIVE SESSION

Councilman Cappella made a motion to enter into Executive Session to discuss the following:

1. PBA Contract Negotiation Up Date
2. Land Donation Status
3. Christian Insurance Claim - Litigation
4. Potential Sewer litigation

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

Time: 9:40PM

Priscilla Gersbeck, Deputy Town Clerk