

TOWN OF GOSHEN
TOWN BOARD WORK SESSION

June 8, 2009
M I N U T E S

A work session of the Town Board of the Town of Goshen was held on the 8th day of June, 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
	Kenneth Newbold	Councilman

Absent with Leave	George Lyons	Councilman
-------------------	--------------	------------

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

The meeting was called to order by Supervisor Bloomfield at 7:34pm, followed by the Pledge of Allegiance

Amendment To The Agenda

Supervisor Bloomfield added as #11, Request to Establish Speed Limit of 40mph on Sarah Wells Trail

Public Hearing

Councilman Newbold made a motion to open the public hearing on Proposed Local Law #3 – Amendment to the Code of the Town of Goshen Entitled “Flood Damage Prevention”. Councilman Cappella seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Canterino, Cappella, Newbold
0 NAYS

Supervisor Bloomfield summarized the background to Local Law #3. FEMA updated the flood plain maps. Likewise each municipality has to update their local law to reflect the changes. This will enable the public to apply for flood insurance.

Supervisor Bloomfield read from the Draft Filing:

Town of Goshen Local Law No.3 of the year 2009

A local law Amendment to the Code of the Town of Goshen, Chapter 61A entitled "Flood Damage Prevention"

Be it enacted by the Town Board of the Town of Goshen as follows:

The Code of the Town of Goshen is hereby amended to replace Chapter 61A in its entirety with the annexed verbiage

[See annexed pages 1 through 23, 1 through vii]

Supervisor Bloomfield called for comments

(With no further comments)

Councilman Canterino motioned to close the public hearing on proposed Local Law #3- Amendment to the code of the Town of Goshen Entitled "Flood Damage Prevention". Councilman Newbold seconded the motion.

On a Voice Vote, motion passed: 4 AYES Bloomfield, Canterino, Cappella, Newbold
0 NAYS

**TOWN OF GOSHEN
RESOLUTION**

**Adoption of Local Law #3 of 2009
Flood Damage Prevention**

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman Philip Canterino

DATED: June 8, 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 8th day of June, 2009;

WHEREAS, Local Law #3 of 2009 entitled "Flood Damage Prevention" has been proposed, and

WHEREAS, if adopted shall result in the text of the new local law being substituted in its entirety for Chapter 61A of the Code of the Town of Goshen, and

WHEREAS, the Town Board having determined that the proposed action is an unlisted action under SEQR with no significant impact upon the environment, and

WHEREAS, certain ministerial changes must be made to the text of the local law so as to make the internal section references in the local law coincide with the internal section references in the Code of the Town of Goshen, and

NOW, THEREFORE, BE IT RESOLVED, that Local Law #3, the text of which is annexed hereto, be adopted and filed accordingly pursuant to state law.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, Philip Canterino	<u>AYE</u>
Councilperson, Louis Cappella	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, George Lyons	Absent with Leave		

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

Attorney Caplicki, as a point of order, noted that the review text on hand has 4 internal incorrect labels. The corrections will reflect references to Section 61A to conform to our Code *numerology*.

ITEMS FOR DISCUSSION:

1. JUSTICE COURT: VACANT PART-TIME COURT CLERK POSITION

Judge Thomas Cione suggested that the matter he is to present before the Board be considered for Executive Session, because it has to do with a past personnel issue.

Councilman Cappella made the motion to enter into Executive Session, to discuss the vacant part-time court clerk position, with the intent to return. Councilman Canterino seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Canterino, Cappella, Newbold
0 NAYS

Time: 7:50PM

Work Session reconvened at 8:15PM

2. PRESENTATION BY STANDARD WATER & SEWER COMPANY REGARDING A POTENTIAL HERITAGE ESTATES SEWER PACKAGE PLANT

Steven Esposito, Esposito & Associates-Landscape Architects, introduced the representatives from American Water Company. This primarily involves the construction of a sewer plant in conjunction with the Heritage Estates subdivision.

Andre Zinkevich, Vice President-American Water Co., distributed to the Board members information packets detailing American Water Management. This company is the largest water and wastewater services provider in North America. American Water provide services to approximately 15 million people in more than 1,600 communities in 32 states and in Ontario, Canada and employs nearly 7,000 water professionals. American Water owns or operates nearly

400 drinking water systems and 300 wastewater facilities. They conduct over one million water quality tests each year for over 100 regulated parameters and up to 50 types of water-related tests each day.

Mr. Zinkevich explained that American Water is a fully integrated firm of services including; permitting, design, construction, operation and maintenance, utility management services and alternative ownership options. The planning and permitting services cover the treatment and distribution of potable water supplies, treatment and disposal wastewater collection, storm water management, soils, geology and hydrogeology and water reuse options. American Water provides a number of wastewater disposal options including surface water discharge systems, land disposal systems and recycling. He mentioned that American Water Co. includes utility management services in operations assistance of facility and master plans, budget analysis, contract operations and financing, operation review and billing. This applies to different models and pending public/private ownership.

Mr. Esposito stated that he is preparing a *supplemental* environmental impact statement for Heritage Estates, in case the Village doesn't accept their proposal and Heritage needs to go to an onsite plant. He spoke with the DEC who requested Heritage Estates to investigate the creation of an option for wetlands discharge. The treatment in the plant would be at higher levels than what is permitted by NYS. He explained how this alternative system would work.

Mr. Zinkevich reviewed operations and maintenance. Plants are operated and maintained 24/7/365 by American Water management. This minimizes the risk of non-compliance with State discharge criteria and maintains State and EPS drinking water standards. He referenced a picture in the booklet of a membrane cassette. First, there is a four step biological separation process. Next onto the membrane, this is the primary unit of separation between the solids and the finished water. In some states sand filters follow this procedure. The training is State certified.

Mr. Zinkevich outlined some of the responsibilities of the owner. Wastewater ownership options and considerations are: a full time licensed operator(7 days a week), labor costs, sampling costs, power costs, chemical costs, maintenance costs, sludge disposal costs, administration, billing and receiving, capital improvements, permit renewals, SPDES regulatory compliance, engineering, legal counsel, rate reviews and improvements as State and local regulations change.

In conclusion, Mr. Zinkevich introduced three concepts to consider; private utility model, public-private-partnership (PPP) model and land developer/municipal business model. These concepts are outlined in the information packet or can be read on-line- www.amwater.com.

Supervisor Bloomfield is looking forward to the public hearing to see what the applicants want to do and why. The Town did receive a letter from Mr. Reiger, who was interested in a regional sewer treatment plant. The residents will also have input on the matter of sewage treatment options.

Michael Walker PE, Heritage At Goshen, LLC, spoke with Lone Oak representatives and Reiger developers, coming to an agreement that they believe that a regional plant is "a viable idea" which will need cooperation between the developers and the Town. They are willing to move in that direction.

6. REQUEST FROM SOUTHWESTERN COMPANY TO SELL BOOKS=

Supervisor Bloomfield referenced a memo forwarded from the Town Clerk's from Matt Atchison. He is the district sales manager for The Southwestern Company. This is a request for Scott Jarecke, who is a summer intern residing in Washingtonville, to sell educational study guides, children's books and educational software. Mr. Jarecke will be working for approximately 5 weeks to save money to pay for his college tuition. The request has been made for permission to sell in the town of Goshen and to waive permit/licensing fees under the Interstate Commerce of Solicitors, Article 1, Section VIII.

Attorney Caplicki stated that our Town Code addresses this under Section 7311. If this applicant feels that the fee places a burden on him then he can apply to the Town Clerk for an adjustment fee. Our code has safe guards in place to apply and pay for the license for identification clearance and can appeal the permit fee amount.

The Board members feel that some of these door-to-door salespeople can be overbearing and may frighten a person who is alone. The consensus of the Board members is that the Clerk forwards a copy of our code to the applicant and notifies him of the permit process.

7. CAPITAL STORAGE TAX CERTIORARI SETTLEMENT

A proposal is being reviewed and will be discussed at the Thursday night meeting.

8. AUCTIONING OF SALESIAN ARCHITECTURAL PIECES THAT ARE IN STORAGE

Councilman Cappella noted that the items once salvaged from Salesian have been housed at the Highway Dept. in storage containers. Through the years mold and mildew has destroyed most of the contents. The air quality inside the containers is unhealthy. In the past two years an auction was contemplated for revenue from the salvage. Through neglect it is doubtful any of the items are saleable. Councilman Cappella offered to contact the Village Mayor Higgins to see what he wants to do.

9. STATUS UPDATE – TOWN HALL MAINTENANCE

With the recent PESCH audit, a few required improvements have been met. The Town Hall had a new handrail installed in the front stairwell and a new concrete pad placed at the front entrance with brick resurfacing /painting. (Photographs shown) We still need to address the carpet, especially in the hallways. Presently we are comparing costs for either carpet replacement or repairs.

10. REQUEST TO ESTABLISH SPEED LIMIT OF 40MPH ON SARAH WELLS TRAIL

A resident on Sarah Wells Trail sent in a letter pertaining to the placement of a 55mph road sign near her property. The details of the letter were discussed at the last meeting.

TOWN OF GOSHEN
RESOLUTION

Request to Establish Speed Limit of 40 mph on Sarah Wells Trail

INTRODUCED BY: Councilman Philip Canterino

SECONDED BY: Councilman Louis Cappella

DATED: June 8, 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 8th day of June, 2009;

WHEREAS, citizen requests have been made to the Town of Goshen for the establishment of a speed limit of 40 mph on that portion of Sarah Wells Trail located within the Town of Goshen, and

WHEREAS, personnel of the Town of Goshen have reviewed and inspected the area within the Town of Goshen wherein Sarah Wells Trail exists, and

WHEREAS, based upon traffic flow, residential density and with a specific concern for safety,

NOW, THEREFORE BE IT RESOLVED, that the Town of Goshen does hereby request of the County of Orange that it petition the State of New York for a reduction and posting of the speed limit on the road area known as Sarah Wells Trail located within the Town of Goshen, County of Orange, State of New York at a speed limit of 40 mph.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 4 to 0

Supervisor Bloomfield asked for any additional comments.

In regards to Local Law #3 that was passed this evening, Attorney Caplicki stated for the record, that the Orange County Department of Planning submitted a letter on May 26, 2009. This letter commented on the Local Law and found no evidence that significant intermunicipal or countywide impacts would result from its approval. He also mentioned that there are a couple of typos in the Local Law which he will correct.

Attorney Caplicki requested that a motion be made listing the Local Law as an unlisted action for SEQR purposes.

Councilman Canterino made the motion that Local Law #3 be acknowledged, for SEQR purposes, as an unlisted action which has no significant impact on the environment being a negative declaration. Councilman Newbold seconded the motion.

On a Voice Vote, motion passed: 4 AYES Bloomfield, Canterino, Cappella, Newbold
0 NAYS

Attorney Caplicki addressed the open-space subdivision of A & L Acres. This is a project of 29 homes on about 101 acres, located off of Houston Road. They obtained a conditional final approval on August 2008. By State Law they have until August 16, 2009 to comply with all of the approved conditions or else the approval is revoked. A & L Acres is looking to continue the same application, but they wish to build in phases. This will give them a chance to do a better job and catch up with the economy.

Neal Halloran (Building & Zoning Dept.) stated basically that A & L Acres is looking to reapply under a new application, for the exact same thing, with the exemption of the prior approval, limiting them to one-year, which will give them extended time for phasing. He stated there are many issues with the conditional final approval, before the new code was written and the changes in the new code that would affect a new application.

Councilman Canterino argued that the request for an extension to phase is in itself a new application

With a great deal of discussion, A & L Acres request will be further explored with the Attorney for the Planning Board.

EXECUTIVE SESSION

Councilman Newbold made a motion to enter into Executive Session to discuss a personnel issue relative to Joint Recreation, with the intent not to return. The motion was seconded by Councilman Cappella. Motion carried.

Time: 10:08PM

Priscilla Gersbeck, Deputy Town Clerk