

TOWN OF GOSHEN
TOWN BOARD WORK SESSION
August 24, 2009
MINUTES

A work session of the Town Board of the Town of Goshen was held on the 24th day of August, 2009 at 7:30 p.m. at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:	George Lyons	Deputy Supervisor
	Kenneth Newbold	Councilman
	Louis Cappella	Councilman
Absent:	Douglas Bloomfield	Supervisor
	Philip Canterino	Councilman
Also Present:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

The meeting was called to order by Deputy Supervisor Lyons at 7:35 p.m.

ITEMS FOR DISCUSSION:

1. REVIEW BID PACKAGES AND SET BID DATES FOR SCOTCHTOWN WATER DISTRICT STORAGE TANK REPLACEMENT AND DRILLING BACK-UP WELL IN STONEHEDGE WATER DISTRICT:

Deputy Supervisor Lyons explained that the bid documents were delivered late this afternoon to the Town Clerk's Office, and he reported that the map and the bid documents were on the table for the Board to review. He also stated there has been a lot of review and dialogue of the documents between the Supervisor and Engineer Dennis Lindsay. He read the August 24th letter from Riddick Associates, P.C., and Dennis G. Lindsay to Supervisor Bloomfield outlining the procedure that will be followed, if approved here this evening:

In accordance with your request, enclosed please find a copy of the plans and specifications for the referenced projects.

Background – The work at Scotchtown Park includes the replacement of a leaking 15,000 gallon steel water storage tank, new controls for well pump #2 (currently inoperable), replacing old galvanized piping with PVC in a more orderly and logical arrangement and elevating the steel sanitary casing for well #1. The work at Stone Hedge includes the installation of a new well supply (well #3) to replace a well (well #2) that was abandoned years ago due to poor quality and quantity. The work also includes providing new electric controls for this new well pump and coordinating them with the controls for well #1. Finally, the work includes miscellaneous mechanical piping for the new well.

SEQRA – We transmitted a Short Form Environmental Assessment Form (EAF) last week in connection with these projects. This form should be signed and dated subsequent to the Town Board's SEQRA action (tonight if possible). We recommend you declare lead agency, classify this as an unlisted action and approve a negative declaration with respect to environmental impacts.

Regulatory Approvals – This project requires review and approval by the Orange County Department of Health and the New York State Department of Environmental Conservation. We have discussed the project with representatives of both regulatory agencies and applications including copies of the enclosed plans and specification will be submitted shortly (Town Supervisor's signature required on application forms).

Bid Schedule – The following is a tentative bid and construction schedule for your consideration and comment. If this is acceptable, we will coordinate advertising and receipt of proposals with the Town Clerk and Attorney.

Action	Date
Plans & Specifications to Printer	September 2, 2009
Notice to Bidders to Official Newspaper	September 2, 2009
Plans & Specifications to Town of Goshen	September 4, 2009
Publish Notice to Bidders in Official Newspaper	September 8, 2009
Receive Bids/Bid Opening	September 22, 2009
Award Contract/Town Board Meeting	September 24, 2009
Contract Signing Pre-Construction Meeting	October 8, 2009

If you have any questions, please do not hesitate to call.

Deputy Supervisor Lyons asked Attorney Caplicki to help the Board with the procedures suggested. Attorney Caplicki stated the Board should take the SEQRA steps first. Councilman Cappella made a Motion to declare the Town of Goshen as Lead Agency in regard to Scotchtown Park 's replacement of water storage tank and new controls for well pump #2 , this is an unlisted action as per SEQRA regulations, and based upon review of short form EAF, that has been submitted, it is evident there will be no significant environmental impacts as a result of the project and as such a Negative Declaration will be proper. The Motion was seconded by Councilman Newbold.

Upon Roll Call Vote:

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

Vote: Resolution adopted by a vote of 3 Ayes and 0 Nays.

Councilman Cappella made a Motion to declare the Town of Goshen as Lead Agency in regard to the Stone Hedge installation of a new well supply, this is an unlisted action, as per SEQRA regulations, and based upon review of short form EAF, that has been submitted, it is evident there will be no significant environmental impacts as a result of the project and as such a Negative Declaration will be proper. The Motion was seconded by Councilman Newbold.

Upon Roll Call Vote:

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

Vote: Resolution adopted by a vote of 3 AYES and 0 Nays

Councilman Cappella stated he would like the public to know that the subdivisions are well aware of these projects, and as a resident of Stone Hedge he has been aware of this for some time, and the residents there have already been paying for it. He said also the Supervisor spoke of both at the recent water/sewer meeting. He stated also that the Board has been trying to get grants for these projects.

Attorney Caplicki suggested that having acted on the SEQRA process, the Board should move to adopt the bid process suggested by Riddick Associates, P.C. Councilman Cappella made a Motion to adopt the Bid Schedule that was suggested in the August 24, 2009 memorandum referring to Scotchtown Park & Stone Hedge Water Districts. The Motion was seconded by Councilman Newbold.

Upon Roll Call Vote:

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

Vote: Resolution adopted by a vote of 3 AYE and 0 Nays.

2. AUTHORIZE WATER & SEWER TO MAKE MAJOR REPAIRS ON TRUCK: Deputy Supervisor Lyons explained that Water & Sewer has a truck that is in need of major repairs, and he asked Joseph Klopchin, Supervisor of Water/Sewer, to explain the repairs to the Board.

Mr. Klopchin explained that Water/Sewer has two trucks, one is a tiny, run around truck, and the other is a major utility vehicle. He said it is a 1991 Dodge, has had a raft of problems, to the point where it has been very often off the roads in some of these water districts, and it does take a lot of pounding. He said they had originally taken it to Orange County Truck Service, and had received a bid for the repairs. Originally the company gave the Board a bid of \$4,457.85 to bring the truck up to a condition that would pass inspection. When he received the estimate, he and Mark Warren went to discuss the bid with Orange County Truck Service's owner. They went over the repairs one by one to determine what had to be done, taking out the fluff, not really necessary for the safety of the vehicle and they worked out a second proposal that amounted to \$3,583.63. He said he felt this was a fair price for the repairs as this truck is the heart and soul of the water/sewer. He explained that this truck carries all the equipment, it has the utility body on the back, and it is a four wheel drive.

Councilman Newbold made a Motion to authorize the Water/Sewer Department to have Orange County Truck Service do the repairs listed in the proposal, not to exceed \$3,583.63. The Motion was seconded by Councilman Cappella.

Councilman Cappella was concerned about the mileage, which is 74,000, and he felt the repairs seem to be extensive. He said if it needs this much work, he worries about safety. Mr. Klopchin said he felt, due to the economical situation, the repairs were worth it at this time, however late next year it will probably have to be replaced.

Upon a Roll Call Vote:

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

Vote: Resolution adopted on a vote of 3 AYES and 0 NAYS.

3. REVIEW THE REQUEST TO HIRE DON FISHER OF POMEROY APPRAISALS IN REFERENCE TO JOHNSON VS. TOWN OF GOSHEN:

Attorney Caplicki explained this pertains to a tax certiorari that needs to be appraised, and he understands that if we do not use Mr. Fisher of Pomeroy Appraisals, Mr. Johnson will.

Councilman Cappella made a Motion to hire Donald A. Fisher, MAI, ARI, President of Pomeroy Appraisal Associates, Inc. to do a Market Study of the Johnson property, without property inspection at a cost of no higher than \$800.00, with a \$400.00 retainer. The Motion was seconded by Councilman Newbold.

Upon Roll Call Vote:

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

Vote: Resolution adopted on a vote of 3 AYES and 0 NAYS

4. AUTHORIZE THE SUPERVISOR TO ADVERTISE FOR CANDIDATES FOR THE BOARD OF ASSESSMENT REVIEW:

Deputy Supervisor Lyons explained that the terms of one of the members of the Board of Assessment Review is up and the procedure the Board has been using the last few years is to advertise the opening. In doing so this does not prohibit the expired term member from applying as well as anyone else. Councilman Cappella made a Motion to authorize the Supervisor to advertise the opening and to interview for the position of Member of the Board of Assessment Review. The Motion was seconded by Councilman Newbold.

Upon Roll Call Vote:

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

Vote: Resolution adopted on a vote of 3 AYES and 0 NAYS

5. DISCUSS STATUS OF BID PACKAGE TO REPLACE THE DPW GARAGE FURNACE

Councilman Cappella said this was discussed at the last meeting and the fact that it will have to go out to bid. He said the furnace is an old 1969 unit and supplies the office, Dial-a-Bus, the bathroom and the lunch room, and it did not pass the state PESH inspection. Riddick Associates, P. C. is preparing the bid packet and Councilman Cappella said he was told it should be done sometime this week.

6. DISCUSS STATUS OF CULVERT REPLACEMENT GRANT REQUEST BY DPW TO REPLACE CULVERTS ON HARTLEY AND OLD CHESTER ROADS:

Councilman Cappella explained that a few weeks ago there was some grant money available for water quality improvement projects. He said Highway tried for the grant, so that two culverts could be replaced. He said these culverts are huge and are like the ones that highway installed on Coleman Road. Councilman Cappella reported there are two that need to be replaced, one on Hartley Road and one on Old Chester Road. He said however, he has been told that the culverts do not qualify for this grant. He said in order to qualify the Town would have to have a "Speedy Permit" and we don't have one.

7. DISCUSS USE OF ORANGE & ROCKLAND ELECTRIC, INC. TO DO ELECTRICAL INSPECTIONS PER CODE SECTION 50-1 WRITTEN WITH THE TOWN OF GOSHEN IN LIEU OF THE N.Y.S. BOARD OF FIRE UNDERWRITERS:

Deputy Supervisor Lyons read a memo from Building & Zoning Inspector Neal Halloran:

Section 50-1 of the Town code specifically appoints the New York State Board of Fire Underwriters as the sole company to do the inspections within the Town. I have not restricted this to only this company, but with the NYSBFU going out of business we should probably modify the code and possibly specify how we are to arrive at who we will accept and the minimum training they will need to have. (I believe we now have a list of approximately 4 inspection agencies that we accept. Mostly we based this on their acceptance by the utility companies. The rationale was simple, if the utility would not accept them then the electric service could not be turned on.

Unless or until I hear differently, we will continue to accept those agencies we have in the past.

Attorney Caplicki stated this will require an amendment to the Code. He said he has been discussing it with the Town Engineer to establish a criteria for training and establishment of people who will be qualified to do this type of work. Attorney Caplicki asked Councilman Newbold to talk with the Building Inspector about this as Councilman Newbold is a union electrician, and has expertise in this field. Councilman Newbold stated he will follow up on this.

8. STATUS UPDATE ON TIME WARNER CABLE FRANCHISE RENEWAL:

Attorney Caplicki said Time Warner Cable was contacted again today, and messages were left, with no response. He said hopefully he will have some information by Thursday evening. There was a brief discussion among the Board as to whether it would be possible for another cable company to come into the Town of Goshen.

9. STATUS UPDATE ON ESTABLISHING PDR CLOSING DATE:

Attorney Caplicki explained that this is in the County's hands, and we are waiting for confirmation of the availability of the money and the closing date. He said hopefully he will know more by Thursday's meeting.

10. DISCUSS REQUEST BY JOHN HUGHES, 17 YANKEE MAID LANE, TO ADJUST HIS MAY 1, 2009 WATER BILL:

Deputy Supervisor Lyons referred to the packet the Board members have in their files pertaining to a request from John Hughes, 17 Yankee Maid Lane to adjust his May 1, 2009 water bill. He explained that the meter was checked to ascertain accuracy of the reading, and there was nothing found to indicate the meter had malfunctioned. Mr. Hughes' letter states he normally uses under 10,000 gallons per quarter

and May's invoice was billed for over 95,000 gallons. Deputy Supervisor Lyons explained that in February of 2009, the second quarter Mr. Hughes' bill was 7,409 gallons, in May of 2009 it spiked to 95,882 gallons, and in August of 2009 it dropped down to 5,789. It seems no one knows the reason for the hike in usage as Mr. Hughes was away part of the time.

Deputy Supervisor Lyons reported that the Supervisor spoke to a Mr. Mello, a Sr. Federal EPA Auditor, in a former adjustment made in 2008. At that time Mr. Mello suggested a reduction in the sewer bill, because sewage was not being processed. Deputy Lyons addressed Attorney Caplicki for his opinion on a reduction. Attorney Caplicki said he was not well informed on this case and suggested they consult Councilman Newbold, liaison to Water/Sewer and Mr. Klopchin who is already following up on this.

11. AUTHORIZE BUILDING INSPECTOR TO ATTEND ONE DAY CONFERENCE: "THE SEQRA SOLUTION: STRIKING THE BALANCE" ON SEPTEMBER 17, 2009, FROM 8:00 a.m. TO 2:00 p.m. THE COST IS \$30.00 FOR GOVERNMENT OFFICIALS.

The Board agreed it should be a good conference and they expressed interest in also attending. Councilman Newbold made a Motion to authorize Building Inspector Neal Halloran to attend "THE SEQRA SOLUTION: STRIKING THE BALANCE" on September 17, 2009. The Motion was seconded by Councilman Cappella. Motion carried with 3 AYES and 0 Nays.

John Mungo, 22 Fleetwood Drive spoke to the Board about his concern for the recent sewer backup in Hambletonian Park, and asked how this could happen. Councilman Newbold said he had spoken to Mr. Klopchin earlier about this, and Mr. Klopchin said there was some repair done on this many, many years ago and there was concrete, and bricks in there that somehow created a giant dam. He said they cleared it and made arrangements for a qualified company to go into the homes that were involved to clean and restore the homes.

With no further comments from the public, Councilman Cappella made a Motion to go into Executive Session, with no intent to return, to discuss:

- A. ADC, INC. LITIGATION
- B. OWEN'S ROAD LITIGATION

The Motion was seconded by Councilman Newbold. Motion carried with a vote of 3 AYES and 0 NAYS.

12. ADJOURNMENT: 8:30 p.m.

Valma Eisma, Town Clerk