

TOWN OF GOSHEN
TOWN BOARD MEETING

October 9, 2008

M I N U T E S

A regular meeting of the Town Board of the Town of Goshen was held on the 9th day of October, 2008 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
	Edwin J. Garling	Garling Associates
	Priscilla Gersbeck	Deputy Town Clerk

A. CALL TO ORDER

The meeting was called to order by Supervisor Bloomfield at 7:30pm.

B. AMENDMENT TO THE AGENDA

Councilman Lyons added the proposed contract with Architect David Crawford for the addition and renovation of the concession stand at Craigville Park as item #4 under Old Business.

C. PRIVILEGE OF THE FLOOR

No one made a request to be heard.

D. NEW BUSINESS

1. Proposed Zoning Change Of A Parcel Within The Echo Lake Industrial Park

Edwin Garling presented the Town Board with a memorandum pertaining to coverage requirements for industrial and commercial uses and change of zoning for the Echo Lake parcel. This parcel is owned by the Town of Wallkill and is located directly behind the Psychiatric Center off of Route 17M. This memorandum is an addition to the proposal he submitted in August 2008. Considered in this proposal are Wallkill's plans to develop this parcel and sell it to E. Tetz & Sons, Inc. contractors for commercial and industrial uses with access out to a traffic signal on Route 17M. Referring to the map in the back of the memorandum, Ed Garling pointed out that in 2004 a portion directly in back of the Psychiatric Center was changed from industrial to commercial. The reason for rezoning half of the property is vague. It is adjacent to an industrial zoned section. Since this is one entire parcel (former Lands of Hock) he recommends that the entire Town of Wallkill Echo Lake site be rezoned to Industrial. The proposal would allow for a larger building in the current CO area. It would eliminate stricter architectural requirements in the CO District for a parcel that will not be visible from any surrounding roads or scenic areas. The

setback of 100 feet will provide greater protection for the Heritage Trail. This buffer will eliminate access out to Echo Lake Rd. and Hartley Road. All development would ingress and egress onto Route 17M. Councilman Newbold asked for clarification in comparing the Tetz site in Chester with this site for the percentage of impervious surface (total land area) and impervious surface coverage which is 70% of the *buildable* site.

E. OLD BUSINESS

1. RESOLUTION: Authorize Supervisor To Advertise For Bids To Survey The Slesinski (PDR) Property

TOWN OF GOSHEN
RESOLUTION

Authorization to Solicit Bids for Survey Work with Respect to Slesinski
Purchase and Sale Agreement

INTRODUCED BY: Councilman Newbold
SECONDED BY: Councilman Lyons
DATED: October 9, 2008

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 9th day of October, 2008;

WHEREAS, the Town of Goshen together with the County of Orange has agreed to purchase the development rights of the Slesinski farm by means of a Conservation Easement and purchase of development rights, it is necessary that a survey be completed with respect to the subject real property,

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Goshen is authorized to publish requests for bids for the completion of a survey with respect to the real property which is to be the subject of the aforementioned Conservation Easement.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	Aye	Councilman, Philip Canterino	Aye
Councilman, Louis Cappella	Aye	Councilman, Kenneth Newbold	Aye
Councilman, George Lyons	Aye		

Vote: Resolution carried by a vote of 5 to 0

Supervisor Bloomfield asked if we need a completion date for this survey? Attorney Caplicki recommended that the survey should be done before Thanksgiving and will include that in the bid specifications.

2. RESOLUTION: Authorize Supervisor To Spend An Additional \$30,000 For Completion Of The Comprehensive Plan - FEIS

Attorney Caplicki suggested that this resolution be tabled until the next work session pending a meeting with a representative from BFJ Planning Consultants.

3. Approval of Minutes:

Councilman Cappella made a motion to approve the following minutes:

1. DGEIS Public Meeting (Verbatim) August 13, 2008
2. Regular Meetings of August 14 and August 28, 2008
3. Work Session of August 25, 2008

Councilman Newbold seconded the motion.

Discussion: Councilman Lyons made a couple of corrections to the August 14, 2008 minutes, which the Clerk agreed to correct.

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

4. Proposed contract with David Crawford for the addition and renovation of the concession Stand at Craigville Park

Councilman Lyons reported on his meeting with David Crawford and Tricia Sherlock, Chairperson of Joint Park & Recreation, in regards to the expansion of the kitchen and the pavilion at Craigville Park. He presented the Town Board with the following agreement.

RE: Terms and Conditions of services and payment for Architectural Design Services for The Addition and Renovation of the Concessions Stand at Craigville Park – Goshen, New York

DESIGN PHASE:

Included in this phase are the following services:

- Preliminary consultation (no charge).
- Site visits.
- As-built measurements and drawings of the existing building (as required for the addition and/or renovation).
- Design and development of the new addition and/or renovation will include the following:
 - A single story addition extending one column bay under the existing canopy. The exterior of the addition will incorporate split-faced concrete block to match existing, a new entrance door and service window. The interior will incorporate a ceramic tile floor, painted concrete block and a gypsum wallboard ceiling.
 - Modifications to the existing concession stand equipment layout coordinated with Goshen Joint Recreation.
 - Expansion of the existing canopy area. The proposed canopy will extend out perpendicular to the existing canopy broadening the covered seating area.
 - Preparation of the mechanical and electrical design to accommodate the new addition are not included in the architectural design services.

- Meetings with owner to review all design parameters and alternative schematic design approaches.
- Meetings with owner to discuss alternative construction methods and selection of materials.

**** This phase will incur a lump sum fee of \$1,625.00. Payment of this phase is due upon completion of a design that is mutually accepted by both the Owner and Architect.

CONSTRUCTION DOCUMENTS PHASE:

Included in this phase are the following services:

- Approved construction documents consisting of drawings and specifications (shown on drawings) as required for the building permit and construction of the project.
- Final consultation with Owner.
- Six sets of drawings – Two sets sealed and signed.

**** This phase will incur a lump sum fee of \$1,625.00. Payment of this phase is due at final consultation.

RETAINER:

**** Acceptance of terms and conditions requires a \$200.00 deposit. This deposit will be deducted from the overall lump sum fee of \$3,250.00. (Please note that I'm extending a professional courtesy discount of \$500.00, therefore the total for professional design services rendered will be \$2,750.00.)

Additional services rendered above and beyond the scope of this agreement will be addressed in a separate Terms and Conditions.

Councilman Lyons made the motion to accept the aforementioned agreement for the addition and renovation of the concession stand and the pavilion. Councilman Cappella seconded the motion.

Discussion: Councilman Newbold asked for clarification of the final paragraph. Councilman Lyons assured him that the L-shape addition is included in this agreement. The final paragraph pertains to possible construction inspections/other inspections.

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

F. FINANCE

Councilman Canterino made a motion to authorize the Town Supervisor to pay check run for manual checks dated 10/09/2008 amounting to \$7,782.21 and for A/P check run dated 10/09/2008 amounting to \$167,632.75. Councilman Cappella seconded the motion.

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

G. PRIVILEGE OF THE FLOOR

Village Trustee Susan Bloom reported that the Village finally received the amendment to the Joint Community Development 2008 grant money. With this grant the Village has plans to restore the handicap ramp, install a handicap lift for emergency egress from the Mayor's office and repair the walkway access along with other public improvements. The scope of services grant total is for \$65,000.00 and some of the work will be done "in house". She also mentioned that when the Village and Town have their Joint meeting the effects of the current economic situation should be addressed so that *all joint* municipal decisions are dealt with conservatively.

Jerry Boss referenced a packet he prepared to be given to the Town Board. This packet is composed of copied newspaper articles pertaining to certain waste carting companies dated 1998 to 2000. He asked for clarification of representation of the Al Turi Landfill litigations. With various attorneys' acting as the Attorney for the town, were any of them representing the Al Turi Landfill in any type of litigations or in any of their holdings that are (for the record) "All Waste Systems Inc., ARB Enterprises Inc., Northern Recycling Inc. and All Waste Recycling Inc"... Also (paraphrasing from one of the articles) that Frank J. Celli Jr. is a principle in the corporation as with Joseph Milo in all of these companies and are major stockholders of said companies. Mr. Boss feels that Frank J. Celli would have a problem being vetted. In summary, are any of the Attorneys throughout the years involved in a conflict of interest representing the Town? Say an Attorney worked for the Town then left that position and returned to private practice with a firm who represented one of the above entities before the Town Board and then is re-hired to represent the Town. Attorney Caplicki is the only Attorney who has done this. Attorney Caplicki responded to clarify this issue that in 1975 when he became Attorney for the Town, he discontinued all representation of Al Turi Landfill. It is a matter of public record that he did represent them prior to 1975 and has had no legal affiliation with Al Turi Landfill Inc. since he became Attorney for the Town. He referenced the Code of Ethics whereas anyone who works for the Town should not be representing other institutions, entities, etc. before the Town. Mr. Boss questioned the legalities of Attorneys who on various occasions had to recuse themselves from service. Attorney Caplicki responded that within large firms if the firm or any one Attorney in that firm has a conflict, then the firm is conflicted out, the attorney is recused, and Special Council is called in. As a matter of fact, that if an issue should arise pertaining to Al Turi Landfill Inc.; a Special Council would be called in to handle the matter before the Town. Mr. Boss also inquired about the Town's position on the E. Tetz & Sons Inc. contractors/Walkkill Empire Zone designation. The Town of Goshen joined in a lawsuit, Article 78, to challenge the action of creating the Empire Zone. If the Empire Zone is passed, it is unclear as to the effect it will have on the Town of Goshen's school taxable rate for the portion in Goshen.

Since the subject of landfills is being discussed, Supervisor Bloomfield asked Attorney Caplicki to summarize the Town's current status of Local Law 80B and IWS. In response to a number of FOILS, applications and revised applications of record are on file for 2006 by IWS to operate the transfer facility. There are minutes reflecting the approval and transfer of said license. However, there is no separate piece of paper indicating a license. The Town has informed IWS of deficiencies and the lack of complete compliance with respect to Chapter 80B. Presently we are waiting for IWS to address fees, insurance requirements etc. which Code 80B requires. Supervisor Bloomfield thanked Jerry Boss and Holly O'Hern for their FOILS, to bring this matter to the Town's attention for action.

Geri Corey inquired as to the agenda for the Town/Village Joint meeting on October 20, 2008. Supervisor Bloomfield stated that we have a tentative agenda covering the following topics: Salesian Building – an asset or liability, JRC capital improvements, trailers housed at the Highway Dept. containing artifacts from the demolition of the Mansion.

H. EXECUTIVE SESSION

1. Larchwood Drive – Code Enforcement Status
2. Ken Sullivan – Litigation
3. Olivia Serdarevic – Litigation
4. Personnel Issue – Town Hall

Councilman Canterino made a motion to enter into Executive Session to discuss the foregoing, without intent to return to the public meeting. Councilman Cappella seconded the motion.

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

I. ADJOURNMENT

The public meeting concluded at 9:15PM

Priscilla Gersbeck, Deputy Town Clerk