

**TOWN OF GOSHEN
WORK SESSION AND TOWN BOARD MEETING
November 24, 2008**

A combined Work Session and Regular meeting of the Town Board of the Town of Goshen was held on the 24th day of November, 2008 at 7:30 p.m. at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:

Douglas Bloomfield	Supervisor	Kenneth Newbold	Councilman
Philip Canterino	Councilman	George Lyons	Councilman

Also Present:

Dennis Caplicki	Town Attorney
Valma Eisma	Town Clerk

Absent: Louis Cappella, Councilman

A. CALL TO ORDER: Supervisor Bloomfield opened the meeting at 7:30 p.m. and led the Pledge of Allegiance. Supervisor Bloomfield introduced a young student visitor, Nicholas Trevers and his mother. Nicholas is attending the meeting as part of a school project and Supervisor Bloomfield stated the Board was always happy to welcome a student who comes to watch government in action and to see how it works.

B. AMMENDMENT TO THE AGENDA: None

C. PRIVILEGE OF THE FLOOR: (agenda items only) Supervisor Bloomfield said this is a section of the agenda where people can speak to any subject on the agenda. He stated there are people here in regard to Lisa Lane, which is on the agenda and this would be an opportunity for them to speak if they would like to. Richard Rogich stated he is the owner of #1 Lisa Lane and moved here last year. He thanked the Town Board for notifying the residents of Lisa Lane that the State was proposing to place a group home on their lane. He said that according to the New York State Mental Hygiene Law the Town was not obliged to notify the residents, nor to have a meeting regarding it. He said as he understands the Mental Hygiene Law, the Board can either accept the proposal, object under limited conditions or recommend alternative sites, which he understood the Board has already done, and he said we appreciate that. He said the one thing confusing the residents is if the Town keeps objecting can Crystal Run Village Group still purchase that property, and if there is a deadlock, how would that deadlock be broken?

Supervisor Bloomfield explained to the public that Crystal Run Village, Inc. is proposing to buy a home on 3 Lisa Lane and turn it into a group home for five women, ranging in ages from twenty one to twenty seven who are mentally challenged. He said that he and the Town Board met with Mr. James J. Lawler, Executive Director of Crystal Run Village, Inc., and he told the Board what the plan was. The Supervisor said he wrote to the residents of Lisa Lane to notify them of what Crystal Run Village was proposing, and what the Board can and cannot do. Supervisor Bloomfield asked Attorney Caplicki if he would give an overview to the public regarding this purchase.

Attorney Caplicki explained it is covered under the New York Mental Hygiene Law and it is a very difficult law. He said the legislative history of the law shows that the legislature was aware that

this law would be a very emotional topic when these facilities are sited. So he said basically Chapter 41 of the law provides that the State of New York, Department of Mental Hygiene or an affiliated agency, such as Crystal Run which is a non-for-profit organization that contracts with the State, can basically select sites with no notification or warning to the community, and then announce their plans to the municipality in the form of a letter. Councilman Canterino said notification was not necessary and Attorney Caplicki agreed the State does not have to inform the municipality of their plans. He said once the selection is made the municipality can only propose other sites perhaps better suited for the project. He stated that from the legal stand point, the Town or Village can prove that they have a saturation of this type of use in the area. He said Goshen at this time has two presently, so it would be hard to use this to stop the process. Attorney Caplicki said at this point the only thing that can stop them at this point is the alternative site or the fact that in this economy the State may not be able to provide the funds for the purchase. He said the system is definitely stacked on the side of the State and the smaller municipalities have almost nothing to say to stop the purchase. He stated the Town has been through this, trying to fight the State on another home, at another time, and lost.

Mr. Rogich questioned the suitability of placing this home on Lisa Lane for handicapped people, he said Lisa Lane is a common driveway, an easement, and is not serviced by the Town for plowing, garbage pickup, etc. All of these, the care and expenses are shared by the residents who live on the lane. He asked if the State establishes the home, will they help in these expenses, since they will be adding more traffic on the road. Attorney Caplicki asked if there was a formal maintenance agreement? The residents present stated no. Attorney Caplicki stated if there were a maintenance agreement the State usually abides by them and would contribute to the costs.

Mr. Rogich stated the State is telling them the women will be attending vocational, pre-vocational schools, and or educational programs, as well as recreational programs, etc. on the weekends. He said the State will be using vans to transport the girls, so the traffic will certainly be increased. Mr. Rogich also said Craigville Road would be dangerous for the girls to walk on as there are no sidewalks. He pointed out the fact that the road is narrow and could be difficult for emergency vehicles should they be needed, it really has been just a private lane. He questioned the safety of the girls being at the end of the lane, as there is no fences at this time and there is a good deal of wild life out there. He spoke of a bear that came up on his deck and attempted to enter the home and he did not feel it would be safe for the girls to even take a walk. Mr. Rogich said he did not feel the site was suitable for this type of home. He thanked the Board for allowing him to express his feelings, as well as those of his neighbors, and presented a letter to the Board stating the reasons for their objections to the use of this site.

Supervisor Bloomfield said they would be discussing this further into the agenda.

D. REPORTS:

COUNCILMAN NEWBOLD wished everyone a Happy Thanksgiving. He said he was upset about the newspaper reports he has been reading in regard the to Water/Sewer bills for Arcadia Hills and Hambletonian Park. He said he would like to go on record as saying a lot of the information is not accurate. He said he has worked with Supervisor Bloomfield on these, and to quote Supervisor Bloomfield they are "tighter than bark on a tree." He said it is not accurate to say this Board is looking the other way. This Board is just not like that and he addressed the Supervisor saying it was a pleasure to work with him and he hoped to have more information for the next meeting.

COUNCILMAN LYONS reported there was a case of criminal mischief at Salesian Park. One of the lamps was broken off and was investigated by the Police. He reported the cost of the lamp

post is \$895.00 and he stated a claim was turned into the insurance company. Supervisor Bloomfield reported there is a \$1,000.00 deductible on this insurance.

Councilman Lyons continued his report saying on November 22nd the first annual Turkey Trot was held at Salesian Park. There was a 1K for the children and a 5K for the adults, approximately 80 adults and 40 children participated. He said there was also a Chicken Chucking Contest, which had a fee attached to it and Joint Recreation collected eighty one dollars, which will be donated to the local food pantry. There was a person dressed up as Chuck the Chicken, later revealed as Village Trustee John Higgins, who is the Village liaison to Joint Recreation.

Councilman Lyons said that today at 2:15 p.m., 112 Goshen residents, who won tickets to the annual Christmas Spectacular at Radio City Music Hall in New York City, left to enjoy the show. He said he had no further information at this time about the proposed kitchen expansion at Craigville Park. Councilman Lyons also reported Jeremy Arciello, who worked under Mark Warren, is back in the area and will take over the groundskeeper position.

Councilman Lyons said there were some issues with the Major League field, the field with the lights, and Little League is going to contribute approximately \$15,000 for the improvement of that field.

Councilman Newbold asked what a Chicken Chucking Contest was and Councilman Lyons explained it involved throwing the chicken to see who could throw it the farthest. He explained of course that the chicken is rubber.

COUNCILMAN CANTERINO reported the papers were signed on Friday between the Town of Goshen and the City of Port Jervis to allow our police officers to use the City's shooting range, at no cost, to gain the certification needed by some of our officers. He said we now have an agreement, but will continue to seek a firing range closer to home.

Councilman Canterino stated he had not heard anything from Senator Larkin in reference to the Town's request for two cars and the bullet proof vests. Supervisor Bloomfield stated he had not heard anything either. Councilman Canterino said he would follow up on it tomorrow.

SUPERVISOR BLOOMFIELD reported, in regard to the group home, he asked the Building Inspector to take him on a tour of the town to see if they could find some alternative homes that could be offered to Crystal Run Village in place of Lisa Lane. He said they did come up with a couple, and he will speak of them when we get to that section of the agenda. The Supervisor said they also went to look at Lisa Lane, and Councilman Lyons, as a member of GOVAC had concerns for the access of emergency equipment. He reported he and the Board then sent a letter out to the residents living on the lane and some adjacent properties informing them of what the Crystal Run Village was proposing.

E. OLD BUSINESS:

1. Approval of Minutes:

a. Councilman Newbold made a Motion to accept the Work Session minutes of October 6th and October 20th, 2008, with minor corrections. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

b. Councilman Canterino made a Motion to accept the Regular Meeting minutes of October 9th and October 23rd, 2008. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

2. Town's Response to Proposed Crystal Run Village Group Home: Supervisor Bloomfield explained again how he and the Building Inspector searched the town for alternative sites more suitable for the group home. He said they looked primarily for good roads, that would have easy access for the group as well as allowing good access for emergency vehicles. He said they came up with two homes and he then composed a letter to Mr. Lawler. He said he did not send it as it did not have Board approval. The Supervisor said he hesitates to suggest alternative sites, as these residents will probably be unhappy about the group home also, therefore, he really does not care to send the letter.

Supervisor Bloomfield said he talked with Mr. Lawler, and asked him what the real chances were of this purchase of the home would really take place. Mr. Lawler replied due to the economic situation relatively low, but that is now. He said going forward and the home is still for sale they could come back again. He asked the Board how they would feel about giving Crystal Run Village the alternative sites?

Councilman Canterino stated we should review the sites and he felt the Board was really obligated to give Crystal Run the information. He said he did not like their approach when they just come in and inform the Town they are going to take the site regardless. He said "I think that is the wrong approach. He said there must be criteria on the home itself to be able to accommodate a group home. He asked about it being a multiple dwelling, water and sewer and leech fields to meet the needs of a group. Councilman Canterino reported the home in Ridgebury seems to have problems with its septic system, as he said he was told there are always orange or yellow fences around their septic systems. He said they have real problems with their septic system and because of it they are really impacting the environment. He referred to a group home that was here years ago that impacted the whole area, by changing the physical layout of the home and putting macadam down for the extra parking that was needed to provide twenty four hour supervision. He said this causes run off, et. Can this home really meet their criteria?

Councilman Canterino said we also have a saturation situation, maybe not with this particular home, but there are homes of this nature. He said fifty per cent of our properties are off the tax roll, and we are saturated with non taxable properties and this now would be another. He said he would suggest a letter be sent to them and ask them how this home meets their criteria.

Supervisor Bloomfield asked Attorney Caplicki if Crystal Run has to meet the same building codes that are required by our Planning Boards? Attorney Caplicki said they can supersede our zoning, but usually make every effort to comply. The fact that this is basically a private road was discussed at length.

Councilman Lyons said he looked at the Real Estate Listing of the home on Lisa Lane that they are proposing to purchase. He said reading it, he felt it was woefully inadequate for five adults plus people that are going to be supervising them. He said there are three bedrooms, one master bedroom and two other bedrooms, and square footage is approximately 2,000 sq. feet.

Councilman Lyons said in regard to saturation, the packet that was given to the Board is basically not correct. They are saying we have only two places, one on Craigville Road and one on Arcadia Road. However, they are forgetting the House on the Hill that is housing at least twenty or more disabled adults and young people. He said there is also Maplewood Terrace behind Village Hall. Councilman Lyons said he felt people do not realize the magnitude of disabled people we have in this town. He named the following: the Mid Hudson Psychiatric Center, Orange County Home and Infirmary which houses one hundred twenty disabled adults who are

suffering from dementia or Alzheimer's, Arden Hill Life Care Center, the Goshen Secure Center which houses many young people with various types of problems and finally the Arden Hill Mental Health unit. Councilman Lyons said he felt the Board could make a good case of saturation. He said he has been through this as Mayor of Goshen, and although the Village lost at that point, now he felt there are more homes and care centers in the Town of Goshen than there was then.

He said as far as the alternative sites, one had not many neighbors at all, and the other had two homes relatively close to the subject home. He felt it is very difficult in the fact that by suggesting other sites, you are making one group of residents happy, but another group of residents unhappy. He stated he has disabled people in his own family, so he is very much aware of the fact that we have to help the disabled. However, we have to do it right, for their benefit as well as ours. Councilman Lyons said "We have to protect neighborhoods, that's the most important thing, you have to protect the neighborhoods of your community."

Councilman Newbold said there is a group home on Arcadia Road, right in his neighborhood, and the State spends what ever money is necessary. This past year the State had to have spent a couple of hundred thousand dollars putting new septics in. He said however, no one would know they are there. He said the house looks like all those surrounding it and they have really been perfect neighbors.

Supervisor Bloomfield said the issues he is hearing this evening are the tax rolls, that we are 52% tax exempt in the Town of Goshen and being the County Seat means 48% of us are paying for everything, and this is just one more off the rolls.

The second one is the saturation that Councilman Lyons spoke of, and he said we also have the County Jail which probably houses others with problems.

Supervisor Bloomfield said he would get together with Attorney Caplicki and compose another letter to Mr. Lawler, stating these concerns.

Jerry Boss spoke of the group home on Craigville, which is two houses down from him. He questioned the fact that it is still a group home as he does not see buses stopping there anymore. He said he felt the Town Board going into the real estate business was opening a Pandora's box for themselves. He said he believed Crystal Run was in the Town of Wallkill and his first inquiry would be to the New York State Department of Health and ask to look and review all of the inspections done on Crystal Run facilities. He also said it would not be wise to use the fact that emergency vehicles might have trouble on Lisa Lane. He felt if the Board used this the State would come back to them with the fact people are living on it now.

Supervisor Bloomfield stated a person living on a private road does so at their own risk. Mr. Boss also suggested the Board contact the Town of Wallkill and Hamptonburgh to inquire what kind of neighbors Crystal Run has been in their towns.

Supervisor Bloomfield thanked the residents of Lisa Lane for coming this evening and sharing their input with the Board.

F. NEW BUSINESS:

1. Resolution: Re-levy of Water/Sewer Bills to 2009 Town Tax Bills and Re-levy of Property Maintenance of 6 Larchwood Drive, Section 25-Block 3-Lot 14 to 2009 Tax Bill.

**TOWN OF GOSHEN
RESOLUTION**

**Authorization to Re-levy Unpaid Utility Bills With Respect to Special
Districts; Authorization to Levy Property Maintenance Charge
Against Real Property Parcel**

Introduced by: Councilman Kenneth Newbold
Seconded by: Councilman Philp Canterino
Dated: November 24, 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 24th day of November, 2008

WHEREAS, there exists certain outstanding unpaid water and sewer bills with respect to real property parcels located in Hambletonian Park Water and Sewer District #1, Arcadia Hills Water and Sewer District #2, Stonehedge Water District #3, Scotchtown Water District #4 and certain outstanding unpaid meter installation charges with respect to Hambletonian Park Water District #1 and Arcadia Hills Water District #2, and

WHEREAS, monies were expended by the Town of Goshen with respect to certain property maintenance violations of the Code of the Town of Goshen concerning real property parcel Section 25, Block 3, Lot 14, and

NOW, THEREFORE, BE IT RESOLVED that the aforementioned re-levy of unpaid utilities with respect to District #'s 1, 2,3 and 4; levy of meter installation charges with respect to District #1, District #2 and specific real property maintenance charges with respect to Section 25, Block 3, Lot 14 be re-levied/levied on the pertinent real property tax bill and the County of Orange be so notified; all as more particularly set forth in Schedule A annexed hereto.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	AYE	Councilperson, Philip Canterino	AYE
Councilperson, Louis Cappella	ABSENT	Councilperson Kenneth Newbold	AYE
Councilperson, George Lyons	AYE		

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

Schedule A

Town of Goshen Water & Sewer

LEVY OF UNPAID UTILITIES – 2008

HAMBLETONIAN PARK – District #1

SC Water \$32,740.29

SA Sewer \$30,246.07

1. Total \$62,986.36

ARCADIA HILLS – District #2

SD Water \$60,158.68

SB Sewer \$101,409.22

2. Total \$161,567.90

STONEHEDGE – DISTRICT #3

SE Water \$6,585.41

#3. Total \$ 6,585.41

SCOTCHTOWN – DISTRICT #4

SE Water
\$3,841.05

#4. Total \$ 3,841.05

TOTAL 2008 LEVY \$234,980.72

**TOWN OF GOSHEN WATER & SEWER
Levy or Meter Installation – 2008**

HAMBLETONIAN PARK – District #1

SC Water \$5,060.55

#1 Total \$ 5,060.55

ARCADIA HILLS – District #2

SD Water \$7,841.03

#2 Total \$7,841.03

Total 2008 Meter Levy \$12,900.58

PROPERTY MAINTENANANCE :

D Bros Landscaping
34 Twin Oaks Drive
Campbell Hall, NY 10916

October, 2008 #2592

Property Maintenance – 6 Larchmont Drive; Mow and bag lawn area, weed wack curbs,
weed wack house and walkway, weed wack backyard, blow driveway and road.

Total Due: \$1,000.00

2. Land Use Boards Appointments: Supervisor Bloomfield explained that in January there will be some vacancies on some of the land use boards. He said the Board had been sent a memo from the Building Inspector listing the vacancies, in which the Inspector stated:

“These boards are the most hard working boards I have ever had the privilege of working with in any of the four municipalities I have worked.”

Supervisor Bloomfield stated he has heard from people from the County level, the engineering people, attorneys, etc. who say that the Town of Goshen has the finest Land Use Board probably in Orange County, if not beyond that. He said if you have been to the meetings, you will have seen this yourself. Supervisor Bloomfield said all the Boards put in a lot of hours.

Vacancies are as follows:

A. Environmental Review Board

1. Thomas Burnham
2. Carol Laskos
3. Lambros Adamis
4. Philip Dropkin, ex officio member from the ZBA
5. Susan Cleaver, ex officio member from the Planning Board

B. Zoning Board of Appeals

1. Philip Dropkin, Chairman
2. Priscilla Gersbeck

C. Planning Board

1. Susan Cleaver
2. Mary Israelski

Supervisor Bloomfield asked the Board for their input as to whether they would like to reinstate the board members, if they would like to remain or would have other suggestions to fill these positions. Councilman Canterino questioned the fact that one of the board members is employed by the Town and was this a conflict of interest? The Board will look into the legality of this and make a decision.

3. Request by Maaco Collision Repair Center to be added to Town of Goshen Towing List:

Supervisor Bloomfield said the request came into the Building Inspector and the Inspector replied to them that their facility does not meet the various codes that are currently required.

4. Citizen Request to Eliminate Water "base charge" From Billing Protocol:

Supervisor Bloomfield explained that a woman came in to his secretary's office to talk about her water bill. He said she is a single, elderly lady and she felt she should not have to pay a base charge on her water bill. His secretary explained why the base charge is necessary, but she was not satisfied and asked to speak with the Supervisor. He explained when a person buys a brand new home they buy the infrastructure, the tank, the pump, the pipes, the electric system, etc. He said it has to be insured and maintained through the years. He explained the Town has two full time employees and a part time person who maintain the water/sewer districts for the town. He said there are two trucks and a water consultant, and we have to pay their wages, insurance, etc. The Supervisor explained to her that if she went to Florida for six months, her neighbors would have to pay the expenses of maintaining the system while she was gone to have it here and working when she came back. He stated there is a fixed amount of money needed to maintain the system, whether you take a gallon of water out or 20 gallons. The first 12,000

gallons is the base rate, after that the charges begin and depend on future water used. The woman did not accept the Supervisor's explanation and he said he would bring it back to the Board to ask what their feeling were on this request. He asked the Board for their suggestions.

Councilman Lyons stated in his experience with the Village and the Town, there has always been a fixed rate. He said it is needed to maintain the system and if not in place would raise the rates for everyone. He said when he first started on the Village Board, there was the idea that was brought up, but did not work, to charge even vacant lots a nominal amount because the service was available.

Councilman Canterino said he felt the fixed rate was needed so that when maintenance was needed the money would be there.

Councilman Newbold said he felt the Supervisor had given her the right information. He said he has been working with water/sewer for about eight years and if everyone did not pay the bare minimum the districts would be in more debt and it would cost more the next year.

Doris Bialas spoke saying she has a telephone bill and before she makes a call it costs her a base amount to have it in her home.

Supervisor Bloomfield said he might use that as an example when he conveys the Board's opinions to the resident tomorrow.

5. DPW Request to Hire Backfill for Employee Who Transferred to Water/Sewer Department:

Supervisor Bloomfield said Highway has requested to backfill a person who was employed in the Highway Department and transferred to Water/Sewer. He stated that the liaison to Highway, Councilman Cappella, was not present this evening. He asked for the Board's feelings on the request.

Councilman Lyons said he would like to hear Councilman Cappella's input however, he knows that the Highway Superintendent is very much in favor of hiring this person, who has been a seasonal employee and has done a very good job. He said with the State's economy, and when we are now headed for the winter, which outside of snow storms, etc. not much other out side work will be done. Councilman Lyons said he would like to hear Councilman Cappella's feeling, but if the Board has to act on this tonight . . . , Supervisor Bloomfield interrupted him saying that the Board does have to act on it as the employee that transferred to the Water/Sewer Department could drive a truck with the snow plow, and now there is an empty truck with no driver. Councilman Lyons said he would like to defer the hiring of this worker, at this time, because of the tough economic times if we can do without him. However, if Councilman Cappella should be able to prove a good case he might feel differently.

Councilman Canterino said the Supervisor and he had been going over the budget and the reduction of income and had talked about not filling positions in Town Hall and he had told the Police Chief if some one leaves at this time, the Board probably would not backfill. He said at this point he would like to see a hiring freeze. Councilman Canterino said if there was a special need, perhaps the employee that transferred to Water & Sewer could come back and help Highway temporarily. He said in these tough times the Board has to make some tough decisions and he would forgo hiring anyone at this time.

Councilman Newbold said when this employee shifted from Highway to Water/Sewer the Water Department was in crisis, the Board had no one to work there. He said the Highway

Superintendent stepped up to the plate and gave that department the employee. He said he would like to hear Councilman Cappella's feeling about this, going into winter you really do need that guy with a plow.

Supervisor Bloomfield said the employee put in for the job, and it is a higher paying job. He said both people in the Water/Sewer Department have CDL licenses, so they can drive big rigs and plow snow. He said he would like the DPW and the Water/Sewer Department to get together and work this out. He said Water/Sewer has helped Highway out in the past as backups to relieve those drivers that have been out a long time.

Supervisor Bloomfield stated the mortgage tax has come in significantly under what the Board had anticipated for this year and significantly under what was expected for 2009. He felt the Board needs to work around this, but he did want Councilman Cappella's opinion on this, so he would keep it on the agenda until Councilman Cappella's return.

G. FINANCE: Councilman Canterino made a Motion to authorize the Supervisor to pay Check Run of November 24, 2008 amounting to \$337,344.94. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

H. PRIVILEGE OF THE FLOOR:

Jerry Boss reported some of the fencing for Salesian Park is now separating, and he said there was a lot of talk about the finials, and he said now they are rusting. He asked if there was a warranty on them, since they were quite expensive. The Board will look into it.

I. Executive Session: With no further comments from the public, Supervisor Bloomfield called for a Motion to adjourn the meeting and go into executive session. Councilman Newbold made the Motion to adjourn the meeting and go into Executive Session to discuss the following:

1. 1698 & 1700 Route 17M Code Violation Status
2. 8 Finnegan Lane Code Violation Status
3. Preliminary FEIS – Potential Litigation
4. Lubavitch Outreach Center – Potential Tax Exemption Status
5. Personnel Planning
6. Serdarevic
7. Two Potential Home Sites – Litigation

Councilman Canterino seconded the Motion. Motion carried 4 to 0.

J. ADJOURNMENT: 8:85 P.M.

Valma Eisma, Town Clerk

