

TOWN OF GOSHEN
TOWN BOARD WORK SESSION
February 22, 2010
MINUTES

A work session of the Town Board of the Town of Goshen was held on the 22nd day of February, 2010 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
George Lyons Councilman
Kenneth Newbold Councilman

Absent: Louis Cappella Councilman

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

The meeting was called to order by Supervisor Bloomfield at 7:31pm.

1. DISCUSS AN ERB REQUEST FOR LETTER OF SUPPORT TO RE-CLASSIFICATION OF SPECIFIED WETLANDS

Susan Cleaver on behalf of the Environmental Review Board presented the Board Members with two packets. They are draft applications to the NYSDEC –Division of Water regarding Purgatory Swamp (Freshwater Wetland) and the Bird Sanctuary, off of 6 ½ Station Road, (Class 1 Wetland). Ms. Cleaver is seeking a letter of support to re-classify Purgatory Swamp and the Bird Sanctuary wetlands as “Special Protection Waters”.

Ms. Cleaver has documentation of testing and photos to support the proposed new classification. This was never done by the State before and if accepted, we will be the first. This is for public awareness to protect the wetlands. Hopefully, the State will recognize the two wetlands as a valuable asset. The Board Members decided that a resolution would be more supportive than a letter. This will be addressed at the next meeting.

Supervisor Bloomfield directed questions to Ms. Lynn Barber from the Orange County Audubon Bird Sanctuary as to the condition of the Bird Sanctuary property. Ms. Barber stated that the water quality on that property is really bad, and is documented on Ms. Cleaver’s report. The Sanctuary houses many birds, perhaps an eagle.

2. DISCUSS REQUEST BY D.P.W. TO PURCHASE THREE TRUCKS

Frank Reinholz, D.P.W. employee, addressed the Board on behalf of the Highway Department. A letter from Stephen Andryshak was sent to the Town Supervisor and Board Members to reconsider the purchase of trucks. In summary, the budget will not cover the purchase of a large dump truck. Therefore, a request is made to purchase two pickup trucks with plows and one medium duty crew cab truck. This will allow the D.P.W. to rejuvenate their aging smaller fleet.

Mr. Reinholz explained that two trucks need to be replaced: a 1999 truck with 78,000 miles is a "plain Jane" truck that has limited uses of no significance. The other truck has 51,000 "hard plowing" miles with an extended cab that not many people can fit into. It has a plow that could be allocated to the Water & Sewer Department.

According to Supervisor Bloomfield, the Town Fund DA currently has \$105,000 budgeted to purchase highway equipment. The Fund DA is funded by the mortgage tax. The Town will receive the first check in May, of an unknown amount. Presently, external auditors are reviewing our year-end Fund balances to be completed by the end of March. Therefore, we are unclear of our financial standing in regards to cash availability. Supervisor Bloomfield feels that it would be wise to utilize the two serviceable trucks at least until May

Supervisor Bloomfield called for comments from the Board Members.

Councilman Newbold asked Mr. Reinholz the purchase price of two of the trucks. He would rather wait until the mortgage check comes in. This way we know how much money is available. He wants the DPW to be sure of their selection. If money is spent on a medium duty truck and a large one broke down or do we really need a large truck - from where will we get the money?

Councilman Canterino questioned the uses of a medium duty truck. "Somewhere along the line we have to maintain a fleet". "We have 76 miles of roads to maintain". He would rather explore getting a medium duty truck for its versatility. This would be logical providing we trade in a non-useful truck.

Councilman Lyons said he was under the impression that a DPW needed a large truck. Now they are requesting three trucks. A decision has to be made as to what is *really* needed. He agreed with Councilman Canterino that we need adequate vehicles to do the job. He would like to hear from Councilman Cappella and question Steve Andryshak.

Supervisor Bloomfield supports buying a medium duty truck and trading in the useless truck. Definitely not purchasing the other two trucks.

After much discussion, the consensus was to wait until the next work session for Councilman Cappella's input and perhaps Steve Andryshak could attend.

3. RESOLUTION REGARDING A 'SPECIAL USE' PERMIT REQUEST BY TIMBER TRAIL, LLC FOR A PLANNED ADULT COMMUNITY.

Attorney Caplicki stated that the text resolution in each packet embodies the discussions and analysis the Board Members have reviewed regarding the application by Timber Trail for a Special Use Permit.

Susan Shapiro, representing Timber Trail LLC, addressed the Board. She wanted to clarify some false assumptions previously presented. First of all, the location of Timber Trail is less than half-a-mile from the boundary of the Village of Goshen. It is not too far away from the Village of Goshen. "It's the closest undeveloped piece of property that meets all the standards in the Town". She continued by detailing the planned benefits/services to be provided to the age 55+ residents. Another issue is that the train station is located less than 2.3 miles. Compared to other places in the Town of Goshen they are the closest property to the train station. Ms. Shapiro feels that the residents in this PAC will be able to utilize train transportation.

Lastly, Ms. Shapiro addressed the issue of creating another water district. Timber Trail will have *one* owner, many rentals, which is different from other districts having multiple owners. Likewise, they would construct their own plant for sewer services. She gave reasons as to why this project will be unique to the region, setting an example of "proper building".

Attorney Caplicki stated that the resolution is a consensus of the Board Members who have reviewed the input provided from many sources. He instructed the Board Members to read the prepared text resolution for accuracy and to assure that it does reflect previous discussions and decisions.

Supervisor Bloomfield called for a motion of denial of request for Special Permit for Planned Adult community from Timber Trail, LLC on Real Property known as Section 2 Block 1 Lots 20.4 and 22. Motion made by Councilman Kenneth Newbold. Seconded by Councilman George Lyons.

Supervisor Bloomfield noted his concerns to be those indicated in a report submitted by the Town's Engineer, Dennis Lindsay, regarding central water and sewer facilities. ["There are no existing central water and sewer facilities for connection". "This site would require new town water and sewer districts which would need to be supported by the limited population of the PAC".] Being that this PAC would be built in stages, for a period of time there would be a limited number of people to support a sewer plant. ["Finally, there are technical challenges presented by the site's topography (flat by waterworks standards) which do not provide the opportunity for adequate elevated water storage meeting DOH recommended district pressures by gravity means requiring designs with higher maintenance and operational requirements".]

Supervisor Bloomfield continued to explain his concern with the PAC location being too far from the center of the Village, not the boundary. ["This proposed site is remote from the downtown business district."]

Attorney Caplicki read the resolution into the minutes.

Susan Shapiro commented on the statement of limited population to support this, because of the phase build-out. She stressed that it is a rental. Therefore the owner/developer will be supporting it. It will be paid for and supported independently. She also addressed the terrain of the property being "comfortable to walk". To conclude, she addressed the distance of the location. She feels that the residents can drive or seek public transportation. To sum up, she feels that the Board Members are basing their decision on false assumptions

**TOWN OF GOSHEN
RESOLUTION**

**Denial of Request for Special Permit for Planned Adult Community from Timber Trail,
LLC on Real Property Known as Section 2 Block 1 Lots 20.4 and 22**

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman George Lyons

DATED: February 22, 2010

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 22nd day of February, 2010;

WHEREAS, Timber Trail, LLC has requested that the town commence proceedings to grant a special permit for a Planned Adult Community on premises known on the Tax Maps of the Town of Goshen as Section 2 Block 1 Lots 20.4 and 22; and

WHEREAS, Timber Trail, LLC by its Engineer, Thomas B. Olley, has submitted correspondence and a conceptual plan for said Planned Adult Community; and

WHEREAS, the Town Board of the Town of Goshen has studied and researched the project including referral thereof to its Building Department and Engineers for the town for analysis and comment; and

WHEREAS, after researching and studying the applicant's submissions and presentation with respect to the project and reviewing the submissions and reports from the Building Department of the Town of Goshen and the Engineers for the Town of Goshen; and

WHEREAS, pursuant to Town Code §97-15.P and §97-18.E wherein it is recited that Planned Adult Communities are allowed within the Town of Goshen by special permit from the Town Board,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Goshen finds:

1. The proposed site is isolated and has limited access to public conveniences such as public transportation, hospital and medical services, shopping, banking, drug stores, religious, cultural and recreational facilities and personal services. The proposed site is located miles from any existing municipal or business center.
2. There are no existing central water and/or sewer facilities near the proposed site.
3. Historically, the Town of Goshen has had extremely limited success in creating and managing special districts. As the Town Code does not allow planned adult community to be serviced for water and sewer purposes by privately owned systems, the site would require new town water and sewer districts to be created which would necessarily need to be supported by limited population of the proposed planned adult community. The proposed project site is in a rural sparsely populated area. The financial burden on the limited number of residents of the districts for the operation, maintenance and future replacements costs would be extremely onerous.

4. The proposed development site has numerous physical constraints including substantial wetlands and a heavily traveled state highway (Route 207) runs through the property site so as to bisect it.

5. The Town's comprehensive plan recommends that planned adult community development be located in areas receptive topographically to facilitate a pedestrian environment. The proposed site's location is topographically challenged and would not provide an appropriate residential environment for seniors.

Based upon the foregoing, the Town Board of the Town of Goshen finds that the proposal does not comply with the Town of Goshen's Comprehensive Plan and would not be a suitable location for adult housing and the applicant's request that the Town Board grant a special permit for the project is denied.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 4 to 0

4. RESOLUTION TO DEFINE TAX CREDIT FOR CAPITAL EXPENSES ASSOCIATED WITH WATER LINE REPLACEMENT IN HAMBLETONIAN PARK

Attorney Caplicki stated that Washingtonville is the only community that he is aware of, which takes advantage of this type of tax credit.

Councilman Canterino suggested that we do the calculations and forward a letter to the IRS for input. He believes that the Village calculates the interest and the operations, not the capital cost, on the sewer and water capital improvements made. A percentage of the interest and operation of water and sewer is made *available* and documented by a resolution. The resident who wishes to take advantage of this tax credit should seek the advice from their individual tax consultant.

5. REVIEW PROPOSED FRANCHISE RENEWAL WITH TIME WARNER CABLE AND SET A PUBLIC HEARING

Councilman Lyons stated that he hopes to have a conclusive contract available for review this week. There are some issues of interest under review. Councilman Lyons also would like to see an audit (at no cost to us) dating back six years to make sure the Town is provided with the requested franchise fees.

6. REVIEW REQUEST FOR BID PACKAGE FOR THE WATER AND SEWER DEPARTMENT TO PROCURE "STANDARD" SERVICES

Supervisor Bloomfield received a bid package from Riddick Associates. The package design is for all prospective bidders covering per diem labor & services. This includes electrical services, excavation services, plumbing/mechanical services and sanitary sewer jet/vacuum services.

As a cost reduction program, Mr. Klopchin (Water & Sewer Consultant) requested that standard services supporting the water & sewer districts go out for bid *annually*.

Councilman Newbold made the motion to authorize Joe Klopchin, along with the assistance of Riddick Associates, to go out for bid for the specification sheets provided by Riddick Associates for standard services that the town would use in support of our water and sewer operations. Councilman Lyons seconded the motion.

On A Voice Vote, the motion passed: 4 AYES Bloomfield, Canterino, Lyons, Newbold
0 NAYS

7. DISCUSS AND DEVELOP A TOWN POSITION REGARDING CREATING A WATER LOOP BETWEEN LONE OAKS AND ARCADIA HILLS

Supervisor Bloomfield stated that Mr. Feeney (representing Lone Oaks) has suggested looping two water tanks together to provide water for more efficient services. Dennis Lindsay has offered to detail the plans at the next work session.

8. BEAZER HOMES ROAD BOND – STATUS UPDATE

Attorney Caplicki is waiting for *all* of the necessary documents from Neal Halloran of the Building Department and the Engineer for the Village of Florida to make sure that all of the proper dedication materials are in order.

9. TOWN OF GOSHEN AND GOSHEN PBA SCHEDULED FOR CONTRACT MEDIATION, MARCH 25, 2010

Supervisor Bloomfield and Councilman Canterino are the negotiators for the Town. The PBA is at an impasse and has requested mediation. This will be held on March 25, 2010 in the morning.

10. THE WATER/SEWER OPERATING STAFF ARE WORKING WITH HAMBLETONIAN HOME OWNERS TO IDENTIFY AND ALLEVIATE ILLEGAL CONNECTIONS TO THE SANITARY SEWER

Supervisor Bloomfield read a NOTICE TO RESIDENTS letter that was mailed out to all of the residents in Hambletonian Park and Arcadia Hills with their water bills.

["This is a reminder that connecting sump pumps, extraneous storm water collection systems, roof gutters, etc. to the sanitary sewer systems, violates Town code and increases sewer charges billed by the Village. Every gallon of sewage goes through a meter and is charged to the sewer district accordingly. This directly affects your rates.¶ Please check your home for improper connections and reroute non-sanitary water to your lawn or roadway storm sewer. If you have questions or need information regarding this request, please call our Water and Sewer Department and we will be glad to assist you. We can be reached at (845) 294-6193. ¶ Beginning immediately, our operators will be inspecting our facilities for illegal connections. If found, we will notify you and ask that you take corrective actions as soon as possible. ¶ Thank you for your cooperation on this important matter. The money to be saved is yours and your neighbors. Town of Goshen Water/Sewer Department"]

11. ANNUAL REQUESTS FOR GRANT MONIES FROM SENATOR WILLIAM LARKIN AND ASSEMBLYWOMAN ANNIE RABBIT HAVE BEEN PROCESSED

Supervisor Bloomfield stated that he sent a letter to Senator Larkin thanking him for assisting the Town of Goshen in 2009 for obtaining a grant for the purchase of a new police car. In the same letter, Supervisor Bloomfield requested assistance for purchasing twelve replacement bullet-proof vests amounting to \$9,600, two police cars amounting to \$60,000 and one asphalt distributor trailer amounting to \$25,000.

Supervisor Bloomfield also sent a letter to Assemblywoman Rabbit thanking her for her help in obtaining a 2009 grant to assist in the purchase of a water tank for Scotchtown Park Water District. Likewise, he is asking for her assistance to obtain funding to replace carpet throughout the building. NYS OSHA inspector was concerned about safety issues with the condition of the current carpet. The estimate is around \$50,000 when considering materials, moving furniture and installation.

With today's economy, Supervisor Bloomfield isn't sure what if any monies will come our way.

EXECUTIVE SESSION:

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

1. Tax Certiorari Updates:
Al Turi and Hendler
2. Litigation Updates:
JRC
ADC Properties
Owens Road properties
3. Sewer Negotiations With Village – Status Update

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

Time: 9:00PM

Priscilla Gersbeck, Deputy Town Clerk

