

TOWN OF GOSHEN
TOWN BOARD WORK SESSION
April 26, 2010
M I N U T E S

A work session of the Town Board of the Town of Goshen was held on the 26th day of April, 2010 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
	Priscilla Gersbeck	Deputy Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:31pm. There is an amendment to the agenda, adding Orange & Rockland representatives, to the beginning of the work session.

Public Hearing

Councilman Newbold made a motion to open the public hearing for public comment and suggestions regarding Time Warner Cable Franchise renewal Agreement. Councilman Cappella seconded the motion.

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

Councilman Lyons introduced Brenda Parks, Time Warner Cable negotiator, to answer questions pertaining to the contract renewal. Councilman Lyons stated that the agreement is for ten years. He pointed out that the definition of 'Gross Revenues" on page two has a new comprehensive meaning, which will give more revenue to the Town. He had several questions about the Franchise Fees in Section 18. Item b(i) and b(c).

Supervisor Bloomfield called for comments from the public.

Jerry Boss inquired if there was any mention of protecting subscribers from elevated rates. Ms. Parks responded with "the only rate that is still allowable to be regulated is the basic rate which is the \$15.00-\$16.00 price point." The rates are not a negotiating point of this agreement. If there is a rate increase the Town and subscribers have to be notified within thirty days. From a competitive standpoint, the company still tries to package attractive offers. This agreement is non-exclusive. The public has the option to go with other companies.

(With no further requests or comments from the audience)
Councilman Newbold motioned to close the public hearing on the Time Warner Cable Franchise renewal Agreement. Councilman Lyons seconded the motion.

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

ITEMS FOR DISCUSSION:

1. ORANGE AND ROCKLAND PRELIMINARY PROPOSAL FOR A SUBSTATION FACILITY

Representatives from Orange & Rockland handed to the Board Members a preliminary proposal set of diagrams to construct an electric distribution substation off the intersection of Cheechunk Road and Hartley Road.

Mr. John Coffee, Chief Transmission and Substation Engineer for O & R, stated that the "Hartley Road Substation" will be built on a 48 acre parcel owned by O & R. This parcel is zoned RU, therefore O & R has to apply for a "Special Use Permit". Currently no formal application has been presented to the Town. He feels that this location will strategically interconnect with their current existing system. The key to this location is that it is next to their transmission facilities. The proposed substation does not generate electricity. The substation takes voltage from the high voltage lines that run from Sugar Loaf to Middletown and converts that electricity to lower voltage. The substation equipment then channels that lower voltage electricity into the electric distribution system to deliver the electricity to homes and businesses. Operations are constantly monitored through a series of electronic control devices within the station that communicate with O & R'S Energy Control operating center in Spring Valley. An estimate height of the towers will range around 75-80 ft. dropping down to 25ft. into the station. After completion this proposed substation will generate virtually no traffic. The location of the substation is at a low elevation to avoid disturbing the wetlands and natural features on the parcel. The benefits to Goshen are to assure an adequate supply of electricity and provide reliable service to this growing community. When completed the new \$8 to \$10 million substation will produce an estimated \$200,000 new tax revenue for Goshen. An O & R would like to start construction in the fall of 2010 with a start up date in 2011. O & R will return in a couple of months with a formal application for a "Special Use Permit".

2. LAWN MOWER PURCHASE REQUEST BY WATER/ SEWER DEPARTMENT

Supervisor Bloomfield received a request from the Water & Sewer Department to purchase a new lawnmower. The department went out for bids from several distributors: Pro Tool Inc. \$6,999 (who submitted a second bid for \$2,555.55), Tool Factory Outlet for \$2,655 and Newburgh Power Equipment for \$2,790.

Councilman Newbold made the motion to authorize the Water & Sewer Department to purchase a HUS-GTH27V52LS lawnmower from Pro Tool Inc. for \$2,555.55. Supervisor Bloomfield seconded the motion.

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

3. FATCHERIC CONSERVATION EASEMENT GRANTED TO TOWN OF GOSHEN

On October 5, 2009 the Town of was granted a Conservation Easement with respect to Fatcheric Real Property. On the Declaration of Conservation Easement (Section 2) lists restrictions applicable to the conserved premises.

Supervisor Bloomfield received a letter from Attorney Alan Lipman who is representing Mr. & Mrs. Fatcheric on April 16, 2010. The letter is a request to change Section 2, item 2.k. by lifting certain restrictions of said item. The location of this easement is primarily wetlands. There are many DEC restrictions for wetlands usage. The change would alter conditions to the subdivision therefore initiating a public hearing. The Board Members concurred that when the original document was signed with Attorney representation, everyone involved understood the language enveloped in the document. After a long discussion, it was unanimously decided to deny the request on behalf of the citizens. Attorney Caplicki will notify Attorney Lipman of this decision.

4. FEMA DISASTER DECLARATION/FINANCIAL ASSISTANCE FOR MARCH 13-15, 2010 FLOOD

President Obama declared 6 counties, including Orange County, eligible to receive federal assistance from the March 13-15, 2010 *flooding disaster* (FEMA-1899-DR-NY). A preliminary damage estimate of public property is \$60,000 with an additional \$5,000 for labor/equipment costs was submitted to FEMA. Hopefully, FEMA will allocate the requested \$65,000 under the Declaration.

5. D.P.W. TRUCK REPAIR

Councilman Cappella reported that the Highway Dept. has a 1989 International Dump Truck with a cracked frame. An estimated cost to start repairs is \$11,000+. The Highway Dept. Superintendent is seeking a recommendation from the Board as to repair or to purchase a used truck. The recommendation was to purchase a good used truck.

6. HUMANE SOCIETY CONTRACT REVIEW AND APPROVAL

Attorney Caplicki reported that a modification was made to the previously reviewed contract. It is in paragraph 2 ".....including custody, care and lawful disposition of lost, homeless, abandoned, seized or stray animals including, but not limited to, cats." Otherwise the contract needs an inclusion of a dollar amount in paragraph 7. Additions will be made and acted upon at Thursday's meeting.

7. N.Y.S. DEPARTMENT OF LABOR – SAFETY AND HEALTH INSPECTIONS

The Water & Sewer Department "did very well" in the recent NYS Safety & Health inspection, reported Supervisor Bloomfield. One of the things looked for was the training records of the employees, which were in order.

8. ANNUAL RENEWAL OF DIAL-A-BUS CONTRACT WITH THE COUNTY OF ORANGE

Supervisor Bloomfield reported that this year the County is going to consolidate two parts of the renewal contract with no changes.

Councilman Newbold made the motion to authorize the Supervisor to sign the annual renewal contract for Dial-A-Bus with Orange County. Councilman Canterino seconded the motion.

Discussion: Councilman Lyons questioned the STOA Audit section in paragraph 2 and the Half Fare program in paragraph 3. With questions before the Board, this contract will be reviewed and discussed at the next meeting.

Councilman Newbold withdrew his motion. Councilman Canterino withdrew his second.

9. WATER/SEWER 2010 PER DIEM LABOR AND SERVICES BID RESPONSES

According to a conversation Supervisor Bloomfield had with Sean Hoffman of Riddick Associates, the bid awards for Water & Sewer are posted. His suggestion is to start with the low bidder and if that person is unavailable, continue to the next bidder and so forth. A Resolution pertaining to the bid posting will be presented at the next meeting.

There was a mis-interpretation of the per-diem electrical labor bid specs. Sean Hoffman will follow up and clarify the issues related to the electrical specs.

10. RETURN OF MAINTENANCE BOND ON TOBIAS SUBDIVISION – BUILDING INSPECTOR’S MEMO

A memo from the Building Inspector, Neal Halloran, stated that “It is my understanding that there are currently two bonds on file. One for \$14,000 and the maintenance bond of \$8,000. The maintenance bond should be more than sufficient to cover any loses”. Part of the Roadway Improvement Bond for Phillipsburg Rd. (Tobias Subdivision) required a series of trees to be planted. They are an approved species (dogwood) that will grow to approximately 25 foot round. The bond is to assure the maintenance of the trees and to guarantee their survival or replacement. Mr. Halloran feels that the \$8,000 is sufficient. Therefore, the \$14,000 is eligible to be returned to the applicant. A Resolution will be entertained at the next meeting.

EXECUTIVE SESSION

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

- 1. P.D. – Cost/Personnel
- 2. Al Turi Landfill Tax Certiorari
- 3. ADC – Potential Litigation
- 4. Village Sewer Dispute Arbitration Status

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

Time: 8:40PM

Priscilla Gersbeck, Deputy Town Clerk