

TOWN OF GOSHEN
TOWN BOARD MEETING
June 23, 2011

A Regular Meeting of the Town Board of the Town of Goshen was held on the 23rd day of June, 2011 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
	Louis Cappella	Councilman
	George Lyons	Councilman

Also Present:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

A. CALL TO ORDER: Supervisor Bloomfield called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA: None

C. PRIVILEGE OF THE FLOOR: (agenda items only) Mr. Geoff Chanin Attorney for the Humane Society, said he would just like to express the appreciation of the Humane Society to the Board for all the co-operation they have always extended to the Humane Society. He said he felt the Board deserves a lot of appreciation for serving the public so well as elected officials.

D. REPORTS:

COUNCILMAN LOUIS CAPPELLA reported the following: Last night there was a lot of rainfall and he wanted to alert the public to the amount of flooding in the area, and he was out putting some cones up to warn people. Highway did a great job handling the flooding, and are now doing a lot of ditching, getting ready to begin blacktopping within the next couple of weeks.

He said the Senior Center is moving along nicely, and rentals are on par with last year. The DIAL-A-BUS is running smoothly "like a well oiled machine" under Michelle's supervision.

COUNCILMAN KENNETH NEWBOLD reported that with all the rain, he was worried about the I & I that could be a problem.

COUNCILMAN GEORGE LYONS reported on the Joint Recreation Commission the following:

Summer Day Camp starts next Monday, the 27th of June, it will run for seven weeks and will be held at the Goshen Intermediate School. There will be approximately 85 to 100 children per week.

There is a Baseball Camp, two sessions for five to ten year olds. US Sports Institute is going to be running flag football, there is a group called sport squirts for three to five year olds, a Multi Sports Camp and golf.

Any one interested in any of the activities can contact Joint Recreation at email address: goshenrecreation.org, and also there are baseball and basketball camps for fifth grade thru ninth grade, telephone #: 294-1558.

Last but not least, the rest rooms at Salesian are almost finished, the petitions and the fixtures are going to be put in next week, and hopefully they will be open in two weeks.

Councilman Lyons also reported on the insurance. He said he had met with the Marshall and Sterling representative Greg Townsend, and he delivered all the policies. They are all now on file in the Clerk's office. He said there are two things that the Board should discuss, the first being Workers Comp. The Town is now with Wright Risk Management, which the Board can stay with, and Comp Alliance. Wright Management can broker it at no cost. Councilman Lyons asked the Board what they would like to do. After a brief discussion, the Board decided to allow Wright Risk Management to broker Workers Comp, keeping in mind that Comp Alliance has done a very good job and saved the Town money in the past.

Councilman Lyons stated the second thing the Board needed to talk about is that, we now have an updated schedule of values for all the properties that we own. He said Marshall and Sterling did it, and the cost to the Town to update the values would be \$1,000. He said it has not been done in many years, and he and Mr. Townsend are recommending it. The Board agreed.

Councilman Newbold stated he would like to extend condolences to the family of Jeffrey Timmerman, who worked with the children under Joint Recreation teaching basketball, baseball and football for many years.

Supervisor Bloomfield thanked Councilman Lyons for being the Commissioner of Insurance, and doing such a terrific job in bringing down the high cost of insurance.

COUNCILMAN PHILIP CANTERINO reported that all the mandatory training required by the Police Department has been completed. He met with Anne Rabbit to talk about grant monies that might be available to obtain bullet proof glass for the Police Department. The PESH inspector who came through, recommended it be purchased. Anne said it might be available under Homeland Security. He will talk to Chief Marsh and have him write a letter requesting help to obtain the glass, and send it in to Assemblyman Rabbit. Councilman Canterino will follow up with this, and keep the Board informed.

Councilman Canterino reported on the request for Police Officers for the Great American Weekend Five K Race. He said the two officers to serve as traffic control officers is very costly, and would be paid with taxpayer money. It was decided that the Rotary Club would have to pay for the two officers at an estimated cost of \$429.41.

SUPERVISOR DOUGLAS BLOOMFIELD reported he attended the fortieth anniversary of the Senior Citizens Club of the Village of Goshen, and had a wonderful time. The Supervisor commended Ronald Bally with doing a terrific job of organizing the party.

The Supervisor said he met with Albert Croyle, a resident of the Hills of Goshen Development. Mr. Croyle spoke at an earlier meeting about several things he was unhappy about in the development. One was the two unfinished constructions sites that consist of just basements which are quite deep and nothing to keep someone from falling in. The Supervisor said the Building Inspector did talk with the developer, and he will fence in the unfinished structures.

Secondly Supervisor Bloomfield said a portion of the development was dedicated to the Town. This Board was unaware of the parcel ever being dedicated to the Town. Upon walking the parcel the Supervisor came upon tires, refrigerators, trash of various kinds, etc. At first the Supervisor thought the Town would remove only the hazardous material, however the Highway

Superintendent suggested Highway clean it all up. They have started the cleanup, but have been curtailed by the rain, as of this time, no hazard material has been found.

The Supervisor said that he met with Legislator Thomas Pahucki and Councilman Canterino to discuss the Wetlands Reserve Program that is a voluntary program that provides technical and financial assistance to private landowners to restore, protect and enhance wetlands in exchange for retiring eligible land from agriculture. Supervisor Bloomfield said there are 12,000 acres of black dirt that can be affected. He said once the wetland is taken out of the farmland, it is gone forever. If a parcel of farmland is sold under the program, and is surrounded by other black dirt farms, it has to always remain a wetland, and will return to the wild. When this happens the animals will take over the area, the weed seeds will spread, and drainage ditches will be damaged. All of this making it difficult for the adjoining farms.

The Supervisor said he has talked to some of the local farmers, and is gathering as much information as he can. He said the Town Board wants to do what is right, and support the local agriculture community. Supervisor Bloomfield said the Board is looking into what they can do, passing a Resolution such as the Town of Warwick did.

County Legislator Thomas Pahuck addressed the Board stating The Wetlands Reserve is a viable and valuable program as the wetlands are an intricate part of our eco system. However, the plan does not work well for the black dirt area. He said the Towns of Warwick, Wawayanda and Minisink have passed Resolutions requesting the Federal Government to rescind or withdraw funding for the Wetlands Reserve Program in New York State. Mr. Pahucki said he is not asking to end the program, for it does have value, what he is asking the Board to do is to pass a Resolution to amend this program that it is not applicable to viable agriculture farmland. He said it is counter intuitive that the government would pay top dollar to take good farming land out of production. He said he is available to help the Board with anything they decide to do.

E. OLD BUSINESS:

1. Review and Approve Resolution to Accept New York Farms, LLC (AKA Heritage Estates) Conservation Easement Proposal, Parcel A, and Property Transfer With Conservation Easement Parcel B: Supervisor Bloomfield asked Kelly Naughton, from Attorney Rick Golden's office, for the status of this application. Ms. Naughton said the applicant has submitted the majority of their legal documents to our office for review. She said that they have sent a four page memo to them stating the changes they will have to make for the legal part of it and Riddick Associates sent a five or six page memo to them about the metes and bounds that are off and do not close. She said that all has to be changed, so they are waiting for the applicant to come back with the revised version.

2. REVIEW AND APPROVE RESOLUTION FOR CANNON HILLS ROAD DEDICATION: Supervisor Bloomfield asked Ms. Naughton what the status of Cannon Hills Road is. She replied the Highway Superintendent took a few pictures of the front part of the road showing two cracks and a berm that was overgrown. She said the back portion by North Jersey Truck and Trailer is satisfactory except for one simple change. She said she met with the Building Inspector, Riddick Associates and North Jersey Truck and Trailer, and Riddick Associates is going to go out with the Highway Superintendent, and again take a look at those two cracks, and see what needs to be done to correct the problem.

3. REVIEW STATUS OF YIDDISH FARM FESTIVAL APPLICATION AND APPROVE IF REQUIREMENTS ARE MET: Supervisor Bloomfield invited David Ejdelman, representative of Yiddish Farm, to address the Board.

Mr. Ejdelman thanked the Board for allowing him to speak again, and said he would give a brief update on his plan. He said the insurance plan has been approved by the Town Attorney, he spoke to the Health Department and they said he needed a camping permit, and he obtained it. He said a safety plan was made which includes medical and first aid team, which consists of MDs, RNs and EMTs. He said they have a fire safety plan, which was approved today by Chief Jeremy Cohen. Supervisor Bloomfield stated the Board would need written approval from the Fire Department. He said he gave his site plan to the Building Inspector, he said there were a few problems that he is working out.

Supervisor Bloomfield expressed concern for the things that still have to be done, and the Board had hoped to approve the festival tonight, as the next meeting will not be till July 11, 2011. He said this could be a problem since the Festival was to start on July 14th.

There was a lot of discussion on what was needed to complete the application process. He stated that at this time only 40 people have registered, and they will be closing registration on Friday, June 30, 2011. This will make a smaller group than originally expected, which was two hundred people.

Supervisor Bloomfield said that he had contacted the farmer about haying the field, and the farmer stated that there had been so much rain, he was unable to do it. He said he would try to do it as soon as possible, but it would depend on the weather. If he cannot do it the property will not be ready for your festival.

Councilman Canterino explained the Police Department's participation in the plan \$2,783.20 for one officer, plus the FICA 18%. Mr. Ejdelman felt this amount could be a problem for him. There was a discussion on the fact that he could reduce the number of tickets if it would lower the cost of the police.

After a lengthy discussion the Supervisor said the Board needs to talk more with the Chief of Police as to the number of tickets sold. He suggested that if Mr. Ejdelman can provide the Board with all of the required sections of the application, the number of ticket holders, etc. by Friday, July 1st, the Board will consider it at the Work Session of July 11, 2011.

4. DISCUSS AND APPROVE A RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN OFF ON A HERITAGE ESTATES APPLICATION TO THE NYSDEC FOR APPROVAL OF THE "SPECIFICATIONS" OF THE SEWER DISPOSAL SYSTEM:

Attorney Caplicki explained that the applicant Heritage Project AKA Heritage Estates would like to pursue the process to access the Village of Goshen sewer plant. He said this is a ministerial act done so they can pursue on to the next step with the DEC.

**TOWN OF GOSHEN
RESOLUTION**

**AUTHORIZATION TO THE SUPERVISOR OF THE TOWN OF GOSHEN TO SIGN
APPLICATION FOR APPROVAL OF PLANS FOR A WASTEWATER
DISPOSAL SYSTEM WITH RESPECT TO THE HERITAGE PROJECT
A/K/A HERITAGE ESTATES**

INTRODUCED BY : Councilman Philip Canterino
SECONDED BY: Councilman Louis Cappella
DATED: June 23, 2011

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 23rd day of June, 2011;

WHEREAS, the Heritage Project a/k/a Heritage Estates has applied to and obtained approval from the Planning Board of the Town of Goshen of a conditional approval with respect to final major subdivision for Heritage Estates; and

WHEREAS, in order for the applicant to process its application (s) with the proper outside agencies it is necessary that the Town of Goshen consent to the application to be filed with the New York State Department of Conservation with respect to the treatment of wastewater generated by the subject project; and

WHEREAS, in order for the applicant to proceed with the appropriate submission to the New York State Department of Environmental Conservation, it is necessary that the Supervisor of the Town of Goshen be authorized to sign the annexed application for approval of plans for a wastewater disposal system in connection with the subject project; and

WHEREAS, the requested authorization to the Supervisor is for a ministerial act only and that same and said application does not commit the town to any specific course of action with respect to the wastewater treatment of the subject project;

NOW, THEREFORE, BE IT RESOLVED, that Douglas Bloomfield as Supervisor of the Town of Goshen is hereby authorized to sign the annexed application for approval plans for a wastewater disposal system with respect to the Heritage Project a/k/a Heritage Estates and process same with the applicant/Department of Environmental Conservation.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 5 to 0.

5. RESOLUTION: REVIEW AND APPROVE RESOLUTION TO AMEND GROUND LEASE AGREEMENT BETWEEN TOWN OF GOSHEN AND GOSHEN HUMANE SOCIETY, INC.

Attorney Caplicki explained that the Humane Society has requested an expansion of the building they are leasing from the Town of Goshen. Their attorney, Jeff Chanin, has worked with Attorney Caplicki in drawing an addendum to the Ground Lease that was dated July 11, 2002, for the amount of \$1.00.

**TOWN OF GOSHEN
RESOLUTION**

**AUTHORIZE FOR AMENDMENT TO GROUND LEASE; TOWN OF GOSHEN
WITH GOSHEN HUMANE SOCIETY INC.**

INTRODUCED BY: Councilman Louis Cappella
SECONDED BY: Councilman Kenneth Newbold

DATED: June 23, 2011

At a meeting of the Town of Goshen, County of Orange, State of New York, held at Town Hall in said Town on the 23rd day of June, 2011;

WHEREAS, by Ground lease agreement dated July 11, 2002 the Town of Goshen has contracted with the Goshen Humane Society whereby the Humane Society leases certain real property owned by the Town of Goshen for the purposes of an animal shelter and pound with related facilities; and

WHEREAS, said Ground Lease has been in effect since July 11, 2002 and pursuant to the terms thereof will continue for a period of ten (10) years; and

WHEREAS, the Goshen Humane Society has required an Addendum to said Ground Lease be approved allowing the Goshen Humane Society an addition to the animal shelter and pound and to expand the size of same so as to better enable the Goshen Humane Society to serve the needs of the public with respect to the needs of animals in the community.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Goshen does hereby authorize the Supervisor of the Town of Goshen to sign the annexed addendum to Ground Lease dated July 11, 2002 so as to lease to the Goshen Humane Society an additional portion of land owned by the Town of Goshen so that the Humane Society may construct on said property an addition to the existing shelter building and facility of approximately 28 feet by 30 feet amounting in all to approximately 840 square feet; all as more particularly set forth in the annexed Addendum to Ground Lease dated July 11, 2002 and the annexed engineering plans as prepared by James Diillin, P.L.S.

Upon Roll Call Vote:

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

Vote: Resolution Carried by a vote of 5 to 0.

6. CONTINUE PUBLIC HEARING LOCAL LAW #1 OF 2011 "PUBLIC ASSEMBLIES AND ENTERTAINMENT" Councilman Newbold made a Motion to open the Public Hearing on Local Law #1 "Public Assemblies and Entertainment. The Motion was seconded by Councilman Canterino. Motion carried unanimously.

Attorney Caplicki explained that the Board has had the draft of the Local Law #1 before them for several weeks. He said he went over the draft with the Deputy Town Clerk, Priscilla Gersbeck, and they made small clerical changes, and it should now be ready to approve.

Supervisor Bloomfield asked if anyone from the public would like to speak. There was no response. He then asked the Board if they would like to comment. With no further comments Councilman Newbold made a Motion to close the Public Hearing. The Motion was seconded by Councilman Lyons.

Joel Markowitz said he hoped this law would not apply to curtail anyone who would be protesting in a mannerly way, or interfere with their civil rights. The Supervisor stated the reason they created this law was for public safety. He said there are more and more requests for festivals, and other large gatherings and the Board felt ill prepared to handle them safely. He said he would like to see the young man have his festival, but he and the Board want it to be a safe environment for those people attending.

Councilman Cappella said the Board's greatest fear was that some of the gatherings would get too large and somehow get out of hand. He said that he and Attorney Caplicki just recently had to stop a gathering that looked like it was going to have about two or three hundred people attending, but the young man put out emails all over that could have drawn thousands of people, and when you have all these extra people and they can't get into the event, you can be left with an angry unsupervised crowd.

Supervisor Bloomfield called the Motion to close the Public Hearing. Motion carried 5 to 0.

Councilman Canterino made a Motion to adopt Local Law #1 of 2011 as proposed. The Motion was seconded by Councilman Cappella.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 5 to 0.

Councilman Newbold stated he would like to recognize Priscilla Gersbeck, Deputy Town Clerk, for all the work and research she did to complete a whole packet application for anyone applying for the various requests the Town Clerk's Office is receiving at this time. The whole Board agreed on what a terrific job she did.

F. NEW BUSINESS:

1. DISCUSS REQUEST BY ROBERT J. DICKOVER, RACE DIRECTOR, GOSHEN ROTARY GREAT AMERICAN WEEKEND ROAD RACE, FOR TWO ADDITIONAL POLICE OFFICERS TO PATROL THE JULY 2ND RACE. Supervisor Bloomfield referred to Councilman Canterino's earlier report about this request. Councilman Canterino had suggested Mr. Dickover use some of the volunteers working with the Chamber of Commerce who promotes the Great American Weekend, rather than use taxpayer money to provide the police.

Councilman Canterino reported that Mr. Dickover had met with Chief Marsh, and said he had obtained a sponsor who would pay for the Police coverage of the race. Therefore, he would be asking for the two officers, and would pay the cost to save the taxpayers.

Councilman Newbold asked why the patrolman on duty could not cover the race for that short a time as they have done in the past, with no additional cost to the taxpayer? Councilman Canterino

replied he had suggested that, but Mr. Dickover asked for the additional officers, as the on duty police officers would have to leave if a call came in.

Councilman Lyons made a Motion to accept the reimbursement of organizations for additional police officers that are requested in order to reduce the burden on the taxpayers. The cost of the two officers is to be \$286.20. Councilman Cappella seconded the Motion. Motion carried 5 to 0.

2. Approval of Minutes: Councilman Newbold made a Motion to approve the Work Session of May 23rd and June 6th of 2011. The Motion was seconded by Councilman Canterino. Motion carried 5 to 0. Councilman Newbold made a Motion to except the Regular Minutes of May 26th and June 9, 2011. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0, with Councilman Lyons abstaining.

G. FINANCE: Councilman Newbold made a Motion to authorize the Supervisor to pay Manual A/P Runs of 06/08/2006 amounting to \$11,502.94 and Accounts Payable Check Run of 6/23/11 amounting to \$172,301.95. The Motion was seconded by Councilman Cappella. Motion carried 5 to 0.

H. PRIVILEGE OF THE FLOOR:

Albert Croyle 21 Danielle Drive, Goshen: addressed the Board stating the following concerns he has with the Hills of Goshen:

Goshen Town Codes, he presented the Board with a brochure of what the developer told them they would have such as a recreational area, etc. The fact that the developer promised three years to finish, and it is going on seven years.

He quoted Town Codes he felt were not followed, and various violations. He gave the Board a copy of the codes he was referring to. He stated the Building Inspector did not follow up on a lot of these codes. He said if he read all the complaints he has the Board would be there until three o' clock in the morning. The Board accepted the packet of the alleged code violations, and will address them, Attorney Caplicki also took a copy.

He addressed his earlier concerns that he discussed last meeting such as the waterless fire hydrants, unfinished foundations, etc. He felt that the Town should take up these matters with the developer.

Supervisor Bloomfield stated taxpayer money cannot be used to correct things the developer is supposed to provide. The Board agreed with Supervisor Bloomfield that the Town should correct only those things that pertain to the Town. The debris that is on the piece of property that belongs to the Town of Goshen will be cleared and posted for no trespassing. He said they will have the developer fence the foundations, and the rest is between you and your developer.

Brian Mitchell approached the Board asking for a permit to have fireworks at his annual farm party. He had written to the Board stating the details of the event he would like to have a small firework display. He provided a copy of the New York State law that he obtained from the New York State Fire Marshal's office. It says it is allowed if the municipality issues a permit. To the Town Board's knowledge fireworks are against the law, and the Town has no permit application for fireworks. Attorney Caplicki will look into the legal aspect of the fireworks, and contact Mr. Mitchell.

Joel Markowitz asked about the status of the Arbitration: Attorney Caplicki answered his inquiry, however, neither speaker used the microphones. Answer inaudible.

I. ADJOURNMENT: With no further business Councilman Cappella made a Motion to adjourn the meeting and go into Executive Session, with intent not to return. The Motion was seconded by Councilman Newbold.

EXECUTIVE SESSION:

1. Discuss Status of Sewer Dispute Arbitration
2. Status Update of NYS DOT Request for Release of Preferential Acquisition
3. Discuss Tax Certiorari States for:
 1. Orange Hollow
 2. RAD Realty
 3. Matrock Properties
 4. Eastgate Properties
4. Discuss Sewer IMA Negotiation With Village
5. DEC Spill No. 065053, MTBE Contamination on Police Drive

Time: 10:20 p.m.

Valma Eisma, Town Clerk