

**TOWN OF GOSHEN**  
**TOWN BOARD WORK SESSION**  
**October 12, 2010**  
**MINUTES**

A work session of the Town Board of the Town of Goshen was held on the 12th day of October, 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
	George Lyons	Councilman
	Kenneth Newbold	Councilman

Absent:	Louis Cappella	Councilman
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Also Present:	Dennis Caplicki	Attorney for the Town
	Priscilla Gersbeck	Deputy Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:31 pm, followed by the Pledge of Allegiance.

*[Change in the Agenda]*

7:33pm › Councilman Newbold made the motion to enter into Executive Session to discuss a Personnel Case with the intent to return. The motion was seconded by Councilman Canterino.

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

7:50pm › Councilman Canterino made the motion to reconvene the Town Board Work Session. Councilman Lyons seconded the motion.

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

1. CONTINUE PUBLIC HEARING OF ORANGE & ROCKLAND UTILITIES REQUEST FOR A SPECIAL USE PERMIT TO BUILD A NEW SUBSTATION

Councilman Lyons made a motion to open the continued public hearing for comments regarding a Special Use Permit for Orange and Rockland Inc. to build a substation. Councilman Newbold seconded the motion.

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

Supervisor Bloomfield called for comments from the public.

*(The following is a brief synopsis of what was stated before the Board Members).*

Alana Smith, Smith Road, feels that there are properties in the Town of Goshen designated for commercial development rather than putting it in a rural area/scenic corridor. The Heritage Trail is overseen by the Orange County Department of Parks & Recreation. Ms Smith referenced promotional Heritage Trail material stating that the Trail offers attractive scenic vistas, a place for walking, biking and nature study. The completed plan is to extend it from the City of Middletown to the Village of Harriman. She recently walked the Heritage Trail admiring the fall foliage. She inquired as to “how a substation fits in with those scenic vistas with our rural zoning and scenic corridor. It just seems to defy reason.” “In the end we’re going to pay for it anyway, for it’s going to be attached to our utility bills”. “It would be a crime to approve such a special permit when we have other areas in the Town that allows for that type of development”. She also referenced a recent article in the newspaper covering the Chester substation and what an eyesore that turned out to be. “Do we want to tackle that in Goshen and submit our residents to that kind of an eyesore?”

Judy New, Cheechunk Road, “I feel so offended”. Living here for 18 years she has seen her neighborhood change from a rural residential area of beautiful farms to viewing the Or. Co. Jail and 911 Center. Ms. New is a Real Estate Broker and knows that a substation of this size will change the value of the homes in the neighborhood. This is a beautiful residential area with new homes where people take pride in what they have. One does not see this proposed on Hasbrouck Road, Craigville Road, Farmingdale Heights etc. “For this to be presented is such a stab in the back”. “It is really lousy that nobody is standing up for us.” “Enough is enough, put it somewhere else, this is a residential area where we live.” Ms. New compared this project to the one located in Sugar Loaf. Whenever she takes a client through Sugar Loaf, the first thing mentioned to her is that “we don’t want to live near anything like that”. She believes this will happen to those in the Cheechunk neighborhood. The residents have worked very hard to achieve what they have. “It’s very unfair to add more to the burden that we already have”.

Richard Fucci, Cheechunk Road, He feels that his view will be ruined with power lines running through the property to the substation. Having a degree in Electronics, he knows what EMF will be doing, what oil filled transformers are like and the power this substation is going to generate. The amount of heat generated will change the chemical structure of the oil. If it spills it will not be the same oil as the oil put in. “This is not going

to be a safe place. It's going to catch fire. They've caught fire before". The coiled wiring is wrapped in Teflon, which can burn when hot and the fumes are not environmentally safe.

Donna Allen, Cheechunk Road, Presented to the Board Members, for the record, an on-line petition and a printed petition totaling 292 signatures against the proposed location of the O & R Substation. "We are just asking that the Board say "NO".

Nancy Wiegand, Owens Road, She asked what the alternative choices were before O & R submitted their proposal to the Town. Why did O & R choose this place? Response: Supervisor Bloomfield noted that this hearing pertains to this parcel only and their request for a Special Use permit. Ms Wiegand feels that there must be a better area to build this substation; perhaps a commercial area is more suited. "Please listen to the residents in that area and please support us."

Supervisor Bloomfield assured the public that all of the comments heard will be taken into consideration along with everything that Orange & Rockland has to say. The Town will conduct a SEQRA review. To prove/disprove impacts to the environment to review all comments and documents presented, ultimately making a decision.

Susan Ronga, Cheechunk Road, informed the Board members that her neighbor, Jean Strong's home is in the historical listing, number 39. Putting a substation across from a documented historical home just isn't right. At the previous Public Hearing, she was not made aware of the bio-retention field. According to her research, it pertains to chemicals being filtered before going through the water into the ground. Where they get their well water from. Plus the Cheechunk Canal drains into the Walkkill River, Echo Lake and the wetlands. She is concerned about this and the fact that Orange & Rockland didn't/t give the public enough information about the bio-retention field.

Dan Ronga, Cheechunk Road, distributed handouts (for the record) to the Board Members. One covers Citizens Against Kempton Electric Substation (C.A.K.E.S.) in Maryland. This states that property values are estimated to decrease by 10% - 38% if the proposed substation is built in Frederick, MD. The other handout is Wikipedia's definition of bio-retention. It states "Bio-retention is the process in which contaminants and sedimentation is removed from stormwater runoff". Allegedly any chemical/pollutants will be filtered out in a bio-retention field before it passes into the ground or a storm sewer. Since there are no storm sewers near the proposed site, the contaminants will go directly into the ground water. Will O & R test the residential water to see if it is safe to drink? Mr. Ronga brought in a "chart" titled "No New Substation" His chart outlined topics of: *Location, Proximity, Property Value, Safety and Health*. Also, were two photos: *O & R Perception* and *Our View & Perception*. Mr. Ronga pointed out that O & R's photo, showing a 35mph speed sign that took out every human aspect. The photo didn't show house locations or street locations. He also pointed to the same photo showing the "human aspect" as the perception of the residential neighborhood. This chart also included photos of the existing substation in Wawayanda along Route 84 West & McVeigh Rd. located in a non-residential area. The chart concluded with studies from the EPA and OSHA.

Mr. Ronga stated that Donna Allen foiled for documents pertaining to this project. In the foil was a letter from O & R's Attorney, dated July 19, 2010. Basically it says that no permits were granted yet, no one on the road was notified and he is already talking about possibly expanding the substation or to construct other improvements in the future. "That's just preposterous".

Mr. Ronga referenced reading about an explosion at the Con-Ed Station around November 4, 2009. This station in Yonkers, around 5:30am, exploded – dumping 15 thousand gallons of oil into the Bronx River. The fine was \$700,000 for pollution. He also showed a 15 second video of a substation exploding in Florida near

a golf course. These are a few examples of the *potential* to harm the neighborhood if an explosion were to occur at the proposed substation. “Does O & R have an emergency response team and if so are they located close to the substation or located in your headquarters...?”

Michael Schelley (?), Wanted to be reassured that a SEQRA review will take place for this Special Use Permit. He recently learned that Orange & Rockland is proposing a *number* of substations in the region. A single substation may not have as much of a significant environmental impact, but *collectively* the impact would be of a great significance. He described the concept of segmentation. Segmentation is specifically prohibited in the SEQRA regulations. Hence, an action can not be segmented in to smaller actions to reduce its environmental impact. He feels that this is precisely what’s being proposed. He has further concerns as to how the Planning Board will interpret/treat this use in a Residential Zone. There are no yard setbacks, no floor area ratios, no height requirements, etc. It seems that the zoning ordinance doesn’t anticipate this kind of industrial use in a residential zone. [Reading from his I-Pad notes referencing the Town Code] “The specific purpose of the rural residential district is to understand that most of the developable land in the Town of Goshen is located in this RU district and therefore the Town has a vital interest in seeing that this land is either protected from development or developed in a manner that is consistent with the goals of the Comprehensive Plan.” He mentioned the rural nature, the protection of the view shed and scenic corridor. “I can’t understand why this substation is smack in the middle of the radius of the scenic corridor”. “Further in the RU District it talks about to ensure that development projects do not damage the quantity or quality of the Town’s groundwater supplies, protect the Town’s environmental resources and scenic views, preserve significant tracts of intact open space, maintain the Town’s predominantly rural characteristics.” He continued from the Town Code “encourages the creation of safe and sociable neighborhoods and to maintain property values of land proposed for development as well as existing homes adjacent to such land.” In conclusion; “Offer options for small-scale subdivision for landowners and to permit reuse of existing structures compatible with the Town’s rural character and historic architecture.” He is requesting that the Town Board deny this Special Use Permit before it goes on to the Planning Board.

Unidentified Person, Will there be a Public Hearing as part of the process of the SEQRA review? Supervisor Bloomfield responded: “Yes, so there will be another opportunity for the public to speak”.

Dennis Caplicki, Attorney, explained what SEQRA entails. In summary, SEQRA is not a process by which a project is approved or denied. It is an aid in the review process by identifying potential environmental impacts and potential mitigation measures to be considered in the decision-making process. Basically, it is a “Hard look” at the environmental impacts of a project. Before any decision is rendered, the public and the Board Members are entitled to know and study the possible environmental effects of anything of this nature.

Alan Lipman, Attorney, (inaudible) Inquired as to keeping Orange & Rockland’s request for a Special Use Permit Public Hearing open in conjunction with the SEQRA review process. Also for the comments currently given by the public to be applied to the SEQRA review process.

Judy New, Cheechunk Road, “One of the reasons why the Al Turi Landfill could never expand was because there was an aquifer that ran in that area”. “If there *are* toxins draining into the soil I would love to know how close the aquifer is to where this facility is going to be and where any draining would be happening?”  
Response: this will be addressed in the environmental review.

Richard Fucci, Cheechunk Road, Informed the Board that O & R has already put up new power poles along Hartley Road. This seems to be a done deal as far as O & R is concerned.

Jean Strong, Cheechunk Road, (inaudible) her home is on the Historical list. She would like to know how the proposed substation will affect her farm. Mrs. Strong suggested that in the gravel bank area, located on the property that once belonged to Earle Hock (down the road towards Echo Lake) maybe a more suitable location for the substation.

Alan Lipman, Attorney, Noted one more procedural issue: an opportunity for an uncoordinated review or a coordinated review with all of the agencies involved. O & R's analysis of the project is a Type II, Unlisted Action. He feels that the Planning Board might want to do their own SEQRA review when they review the site plans.

Supervisor Bloomfield stated that all of this will be discussed between the Board Members and our Attorney.

Dennis Caplicki, Attorney, Presently the Town has three applications under consideration for Special Use Permits. A *template* will be formed as to how the Board will proceed not only for this Special Use application, but for any Special Use application.

John Coffey, O & R's Chief Engineer, Submitted, for the record, packets of information. Documents included in each packet are: Magnetic Field Modeling Assessment For The Proposed Hartley Substation, Analysis of Acoustical Impact – Orange And Rockland Utilities Proposed Hartley Road Substation, EMF Electric and Magnetic Fields Associated with the Use of Electric Power dated June 2002, National Institute of Environmental Health Sciences- NIEHS Report on Health Effects from Exposure to Power-Line Frequency Electric and Magnetic Fields dated May 1999 and the Full Environmental Assessment (long) Form.

The EMF and NIEHS reports were conducted by the Government and the National Institute of Health Sciences which are the most comprehensive work that has ever been done on magnetic fields. These reports are available to the public from O & R.

Mr. Coffey commented on segmentation. "Segmentation when referred to substations in our Master Plan, we plan our system and look at the whole Orange and Rockland system for where we see deficiencies in our planning criteria. In other words, where a load starts to creep up and we need a substation, we review that. They're all really individual entities." "Segmentation is really an attempt to take a project and break it into pieces. We really serve areas individually. One substation that would be proposed in Goshen would not in any way be related to a substation that we're proposing for Rockland County." "Segmentation is really not an issue for individual substations. They feed individual areas. They're not (our four/five substations that we review over a couple year period and we propose) are not related to one another. I just want to make sure that's clear."

Mr. Coffey referenced the Monroe substation which has been safely and reliably operating next to the Heritage Trail for many years. O & R's substations are monitored online 24-7 to their energy control center. They have employees on call 24-7 to be able to react to any anomalies that may happen in the system. The oil containment/retention system consists of a concrete tub that is lined surrounding the transformers. This is monitored to detect and contain any leaks, plus a monthly inspection.



**2. REVIEW CURRENT STATUS OF 2011 TOWN BUDGET PROPOSAL**

Budget Officer, Bill Standish, addressed the Board distributing handouts.

		<u>AS OF OCTOBER 5, 2010</u>	
	<u>TAX INCR/DECR.)</u>	<u>\$\$ INCR/(DECR.)</u>	<u>\$\$ INCR/(DECR.)</u>
		<u>200,000</u>	<u>300,000</u>
A/DA/PDR (Village Residents)	11.83%	\$ 44.20	\$ 66.30
A/DA/PDR/DB (Town Residents)	2.84%	\$ 35.36	\$ 53.08

		<u>AS OF OCTOBER 8, 2010</u>	
	<u>TAX INCR/DECR.)</u>	<u>\$\$ INCR/(DECR.)</u>	<u>\$\$ INCR/(DECR.)</u>
		<u>200,000</u>	<u>300,000</u>
A/DA/PDR (Village Residents)	11.34%	\$ 42.36	\$ 63.54
A/DA/PDR/DB (Town Residents)	2.83%	\$ 35.28	\$ 52.92

Mr. Standish stated that the changes came from the Town Clerk’s Department. An actual calculation of election expenses from the County decreased from the previous *estimated* calculation among some other line items for the Town Clerk. In summary, the overall tax increase for the Town will be around 2.83%. Supervisor Bloomfield made it clear that “this budget is not without risk”. There are a lot of unknowns in 2011 and one being the tax certioraris. Settlements are one thing, but long term litigation and appraisals will need a hard look.

Supervisor Bloomfield called for comments from the Board.

Councilman Lyons questioned the 100% decrease in PDR. Answer: that refers to *new* applications. He also questioned the methodology used for projected increases for 2011 in mortgage tax and parkland fees.

Councilman Newbold asked if Joint Recreation will receive the same amount of money this year as last year. However, the Town is waiting for an approved budget from Joint Recreation.

The preliminary presentation of the budget will be at the November 8 meeting.

**3. DISCUSS STATUS OF JESSUP SWITCH ROAD PROJECT**

Supervisor Bloomfield reported that the contractor has completely ground-up and reshaped the road. Prior to this, the Town of Goshen worked on the culverts. Hopefully within a week the new pavement will be finished. The Town of Goshen was able to compete and receive the bulk of the stimulus money available for road improvement projects. In fact, there is enough money to complete the entire length of Jessup Switch Road. He thanked the County for their help, the people who put this together and those who did the work.

**4. RECAP CURRENT PROJECTIONS/COMPARISONS OF ANNUAL SEWAGE GENERATED BY ARCADIA HILLS AND HAMBLETONIAN PARK.**

With the many repairs to the sewer system, there is a projected decrease of inflow/infiltration for 2010 by 22% in Arcadia Hills and by 12.2% in Hambletonian Park. Consequently, the Town is delivering less sewage ≈ using less of the Village plant and as a result the Village will get less revenue.

Supervisor Bloomfield handed-out an analysis of “Year-to-Year Comparison of Sewage Generated”. This compares the Arcadia Hills Sewer & Hambletonian Sewer usage in each month of 2009 and in each month of 2010. [This document is available in the Town Clerk’s office]

Supervisor Bloomfield stated that a mailer was sent out to all of the water/sewer districts. It is a status update as to what is going on in the water/sewer districts. This included what the Town was doing in regard to repairing/maintenance of I & I and the peoples’ responsibility to invite the Town into their homes for inspection of the sub pumps. Basically, this letter highlights what has been accomplished and what is in progress.

**5. SEWER DISPUTE ARBITRATION REQUEST – STATUS**

Attorney Caplicki stated that everything has been submitted to the Court before Judge Slobod. She will render a decision within the next two weeks to thirty days. Judge Slobod will have to make a ruling as to whether or not the agreement does in fact compel or call for arbitration.

**6. DISCUSS AND DEVELOP CRITERIA TO EVALUATE AND DEVELOP REQUESTS FOR “TIME EXTENSIONS” PURSUANT OF LOCAL LAW #4 OF 2009.**

Applicants have requested to extend the amount of time pursuant to Local Law #4 of 2009. These developers are under the old code. Attorney Caplicki agreed that a criterion should be developed. First of all the Town Board needs a *status* report from the Planning Board. This includes where the applicant is at, what has been done and what is pending towards completion. Issues that some applicants will bring forth may be involved with environmental concerns (i.e. Cricket frog) or physical (infrastructure construction) or phased activity. The Town Board will decide how much credence will be given to each issue.

Discussion:

Councilman Canterino understands that because of the nature of the environment and obtaining credit in this economy, each of the subdivisions have already been given a certain amount of time. What would be the impact to us? How much safer is it for the Town to allow additional time. Rather than discriminate between specific issues the Board should treat all applicants *fairly* “across the board”.

Attorney Caplicki stated that any amount of additional time can be given. However, the Town doesn’t want this to linger on for years to come. A dormant project can be reactivated under old zoning codes. Within reason, tight extensions can be given.

Supervisor Bloomfield feels that there has to be an end point, “a drop dead date”. If not, then applicants will be coming in for annual extensions. Applicants need to prove that they have been *actively* involved and not in hiding. The Planning Board needs to convey to the Town Board what the applicants *have done* and how many times they have been before the Planning Board.

Councilman Newbold feels that the community surrounding a subdivision has a right to know what is going on. Constant delays of completion and multiple extensions, can affect if a neighbor wants to sell property/home or a farmer locating crops. He would like to see proof from the applicant of what has been done.

Attorney Caplicki stated that three applications in question have a due date at the end of October. It was suggested to have the applicants come before the Town Board on October 25<sup>th</sup> to request an extension period.

Councilman Lyons agreed with the Board Members that there has to be a finite time. He wants comments from the Planning Board and their Attorney as to what has been done/needs to be done.

**7. SET DATE FOR BUDGET PUBLIC HEARING – NOVEMBER 8, 2010.**

Councilman Canterino made the motion to conduct a Public Hearing on November 8, 2010 at 7:30pm or soon thereafter to discuss the Town Budget for 2011. Councilman Lyons seconded the motion.

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

**8. ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT – WALLKILL RIVER MAINTENANCE**

Supervisor Bloomfield referenced a letter (dated 10/5/2010) he received from Thomas Pahucki, Legislator, covering a meeting held on 9/27/2010 of the Orange County Soil and Water Conservation District. At that meeting, Supervisor Bloomfield asked for an application to allow for cutting live trees along the banks of the Wallkill River. He asked for the application to be evaluated by the County to see if there are any concerns that might be generated by that work down stream. It seems that live trees have never been cut down before and the Town has reservations as to how this will affect the Wallkill River eco-system.

Supervisor Bloomfield read from the letter: ["During this meeting the Town of Goshen expressed its position that the anticipated work required the issuance of a floodplain development permit. Since the September 27, 2010, meeting we have been informed by legal counsel that a permit for the anticipated work is not required, and that the contemplated work does not fall within the scope of the Town's regulatory authority. That being said, this letter will provide the information that would have been provided by the Town's permit application and which was sought by the Town of Goshen."] During the meeting it was understood that an application would be forthcoming to the Town. After the meeting, the County's Attorney voiced some concerns as to this requirement from the Town. We are unsure of who initiated the final decision. The Town will pursue this to alleviate any legal liability that could occur from the County's action.

**9. CSEA LABOR NEGOTIATIONS HAVE BEGUN – GOAL: TO COMPLETE BY THE YEAR - END**

Supervisor Bloomfield reported that he and Councilman Canterino began labor negotiations with the CSEA negotiators today. They hope to have the contract completed by the end of the year. They will meet again with the CSEA on October 20<sup>th</sup>.

10. PUBLIC INFORMATIONAL MEETING SCHEDULED AT TOWN HALL, 7:00 P.M.  
OCTOBER 20, 2010 REGARDING PROPERTY RE-EVALUATION PROJECT

The Assessor, JoAnn Soules, will host a public information meeting regarding the 2012 Town & Village Revaluation on Wednesday, October 20, 2010 at 7:00pm in the Town Hall. Presentations will be given by Mr. Robert Hilbert, *Revaluation Consultant*, Mr. John Wolham, *Regional Director of NYS Office of Real Property & Taxation Services* and Mr. John McCarey, *Orange County Real Property Director*. The public will be given an opportunity to ask questions pertaining to the revaluation process.

Supervisor Bloomfield congratulated Valma Eisma, Town Clerk, who is a Grandmother again. Her son, Peter Joseph (PJ) became a first-time Father on October 11, 2010.

**EXECUTIVE SESSION:**

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

1. Tax Certiorari Update
2. Status Of Time Warner Cable Franchise Renewal
3. Personnel – Grievance Review

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

Time: 9:40PM

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Priscilla Gersbeck, Deputy Town Clerk

