

TOWN OF GOSHEN
TOWN BOARD MEETING
December 08, 2011

MINUTES

A Regular Meeting of the Town Board of the Town of Goshen was held on the 8th day of December, 2011 at the 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
	Kenneth Newbold	Councilman
	George Lyons	Councilman
Also Present:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

A. CALL TO ORDER:

Supervisor Bloomfield opened the meeting at 7:30 p.m. and asked James Cimino to lead the Pledge of Allegiance. The Supervisor thanked Mr. Cimino and said he would like to acknowledge all the residents who have turned out this evening, and especially Kyle Roddey, the Mayor of Goshen, who is here, as one of the subjects we will be addressing later in the evening will involve the Village as well.

B. AMENDMENT TO THE AGENDA: No response.

C. PRIVILEGE OF THE FLOOR (agenda items only): No response

D. REPORTS:

COUNCILMAN CAPPELLA reported the Highway Department received a nice letter of thanks for cleaning up all the brush, etc. in Hambletonian Park. He said he has been talking to the Highway Superintendent who said the department has not been able to clean up all the brush yet, as there are seventy eight miles of roads. This has been a very big undertaking.

He reported the Senior Center's rentals have been doing great as far as the Holiday Season is going. He asked if the newspaper reporter could note in her coverage of the meeting that the Senior Center will follow the same schedule as the school, when it comes to inclement weather. When school is closed the Senior Center will be closed also.

Councilman Cappella stated that since the Mayor is here this evening he would like to ask his approval of a project that the Town is doing with Orange and Rockland. He said that based on Federal legislation that was passed in 2005, manufacturers will be phasing out their production of T-12 lamps and ballasts. Orange and Rockland Utilities offered a program this year to help offset the cost of upgrading lighting fixtures to the more energy efficient types. This programs includes free upgrades of incandescent bulbs to compact fluorescent bulbs and are also paying 70% of the cost of new lighting fixtures, with associated installation costs. Councilman Cappella stated that since they

are doing this for the Police Station, Highway and Water/Sewer it might be possible to have them also do it for the Senior Center. He said he was bringing this up, as it would be a fifty-fifty, sharing of the cost with the Village if it is done. He and the Highway Superintendent are meeting with a representative from O & R who is coming out to do the survey this coming Wednesday. Councilman Cappella said he would like to make Mayor Roddy aware of this, so if they can make the same arrangement with O & R, it would behoove the Town and Village to go forward with this, as it will benefit both parties financially.

COUNCILMAN NEWOLD reported Water & Sewer has been running smoothly, with no water main leaks, etc. He said since this is the final meeting of the month and year, he would like to extend Holiday Greetings to all.

COUNCILMAN LYONS reported for Joint Recreation stating that the winter recreation programs are continuing on with the zumba classes, Drama Kids, starting the first of the year, adult co-ed Recreational Volley Ball, and anyone wanting to obtain further information can go to the Web Site www.goshenrecreation.org.

Councilman Lyons said the events that were held recently, a five K Turkey Trot and the Chicken Chuck were held on November 19th, and it was a great event, with everyone having a terrific time. He said he would like to thank the people and companies who have helped to fund these events, such as Price Chopper, Shop Rite, Crystal Run Healthcare, Interstate Waste, Hudson Valley Awards, James Murray Florist, and Hudson Valley Boot Camp.

Councilman Lyons also reported, the Radio City Christmas Spectacular, which is an annual event, was held on December 1st, one hundred twelve people attended, and all had a wonderful time.

Councilman Lyons reported the parks suffered a tremendous amount of downed limbs due to the heavy snow that took place at the end of October. He said an extremely large tree fell down on a fence and basketball court on Erie Street. The Park staff has been doing some major cleanup in that area. He said in Lions Park an electrical line snapped, and it did substantial damage to the electrical box, which is in the process of being repaired. Councilman Lyons reported the Park Season is coming to a close, the restrooms at Salesian Park have been closed and winterized. The water supply to the kitchen and restrooms at Craigville Park will be turned off tomorrow, 12/09.

Councilman Lyons said the last time we had a Village/Town meeting, about two and a half years ago, one of the things that was discussed that night was to have an RFP (REQUEST FOR PROPOSALS) developed for the demolition of the Salesian School Building. At that time it was never done. Dennis Lindsay, Town Engineer said he would address it, for a limited amount of money, which he did. He said we now have a RFP in our hands, and that is good however, it will have to be put on the shelf for now as there is no money to do it at this time. Councilman Lyons passed the RFP to the Town Clerk to copy for the Board and Mayor Roddey.

Councilman Canterino reported the Police Chief is still out ill, and he was not aware of the extent of his illness. He said he met with Sergeant Faust to see how to work this going forward. He said what I really want to talk about is that we all know "that perception is reality". When I open the Daily Record newspaper, and I hear things about a "crime spree" in the Town of Goshen, etc. He referred to the headlines stating "Crime Spikes in Goshen", "Goshen Crime Spree Hits 58 Homes". The Councilman explained that with something like , the perception is "wow", people have broken into fifty eight homes, God knows how they have terrorized everyone. Councilman Canterino stated that what it really boils down to, is there were 19 burglaries, and 39 larcenies, this adds up to 58. He said burglaries are when you break into a home, but if you don't steal anything it is not a larceny, larceny is when you steal something, off of the lawn, out of a car, in the driveway.

Councilman Canterino said these types of rumors, misinformation, have a devastating effect on a small town. It affects the business people, realtors, just think of anyone that goes on the web site and reads this, who wants to move here? It gives you the perception that there are murders, cocaine dealers, and armed robberies, but that is not the case. He said I will quote our police investigator who stated "I think it is a bunch of young adults just being stupid." Well that is a long way from a crime spree. I am the Police Commissioner, but I see what it is doing to our community, people are approaching me who really do not understand, or are interpreting it as it is written. He said for the most part these were young adults who have seen people go on vacation, and broke into their homes, and two have already been arrested.

Councilman Canterino stated "that is the extent of our crime spree". Therefore he is asking the press, and has discussed this with our Police Department too, if you are going to report accurately, just report the data.

Supervisor Bloomfield began his report with the following comments on Councilman Canterino's report on the Police Department. He stated that when " I myself saw fifty eight homes, I said my goodness what is going on that I don't know about." He said that he had not heard anything about this. However, he said he had spoken to Sergeant Faust today, and got the particulars on this, there is a big difference between 19 homes and 58 homes, but the word is already out on the street, and on the web, for a long time. He said this does impact business, or those trying to search out where they want to live, etc., so to me this is irresponsible.

Supervisor Bloomfield said " another thing that was put in the paper that I feel was irresponsible, is if anyone was here during our budget review, they are aware of the new 2% Tax Cap Law, signed into law by Governor Cuomo this year. He said New York State pays 78% above the national average on their property tax. Supervisor Bloomfield stated that the Board was able to do that. He said the Board had to take out approximately \$682,000 Dollars out of the budget. He said the Board purchased a new Police car, 1995 International dump truck, a 1994 International dump truck. He said we saved a quarter of a million dollars just in those two trucks.

The Supervisor said when people retired, their positions were not back filled, some part-timers were laid off. He said we did a lot of things, but the one thing we did not do was to lay off any policemen, yet in the paper today it said "we are bare bones, we are this and that". We have the same number of policemen today as we had when I came here on January 1st, 2006. We have two patrols, 24 hour coverage, and two Sergeants. He said what we are doing is taking \$170,000 from the Police Department, by going to a Part Time Police Chief, and a Part Time Secretary/Clerk. The Supervisor said we used to have a Part time secretary/clerk there, but some time along the way they were made full time. He said the Police people see on the streets, out on the beat, is the same as it has always been, but if you read the paper it doesn't come out that way. "It sounds like we are out of control on crime, and we are under funding them, not so."

The Supervisor thanked everyone for coming out this evening, he said many times there are very few people present at our meetings, even at the budget hearing. He said this Board has always had a five year financial plan, and a five year strategic plan. Each year we put in what we want to do in the course of the year. He said this year the Board decided to work on the tax certiorari, and we have resolved about 90% of them this year. "That was a good thing." We went to trial with the Al Turi Landfill Certiorari, and it is in Appeal, "that is another good thing." He said we think we have a strong case, we will see how we prevail.

Supervisor Bloomfield reported the sewer dispute with the Village has gone on for three years, and I think tonight we are looking forward to coming to grips with it, and come to an agreement. "That is a good thing.'

Supervisor Bloomfield stated he has been doing budgets for years in private enterprise as well as the Town budgets. He said "2012 is the fourth year in the most serious recession in my life time since the great depression." He said the Board has been working on the budget every year trying to control costs, but this year with the 2% tax cap it was much more difficult. "I think we have done a pretty good job, and no one is satisfied, our Board is not satisfied, I am sure the citizens aren't going to be satisfied with some of the things they see, the employees are not satisfied, particularly those who have to leave our employment, but it is a balancing act which takes moral courage."

The Supervisor stated that "We weathered the storm, five storms, an earthquake, a tornado, hurricanes Irene, and Lee, and the freak snow storm. Highway Superintendent Broderick Knoell handled them all, doing a terrific job, and is still clearing the debris, but he is almost finished.

Supervisor Bloomfield explained the current status of the tax revaluation saying that it is moving along, it is being done with modern technology, will be computerized, it is being done internally versus spending thousands of dollars for outside people to do it. The Supervisor reported that the revaluation is being sponsored a good deal by the County, also by the State, and the Real Property Tax Office. He said therefore the real cost to us is not that great.

The Supervisor said that the Board finished most of the things they started out to do this year and thanked the Board, the employees, the professionals, and all the other people we work with, and especially the Village for helping to end the arbitration, and make a stronger community as a consequence than what we have been doing. He stated that since this is the last meeting of this year, he would like to wish everyone a Happy Holiday and a prosperous New Year.

E. OLD BUSINESS:

1. CONTINUATION OF PUBLIC HEARINGS

A. NU III, REQUEST FOR A ZONING MAP CHANGE OF A 9.47 ACRE PARCEL, TAX MAP 12- 1-47

Councilman Canterino made a Motion to open the Continuation of the Public Hearing for the NU III request for a zone change of a 9.47 acre parcel. Councilman Lyons seconded the Motion. Motion carried unanimously.

Steve Esposito, representing the applicant, again reviewed the request, showing the location of the property off Gate Schoolhouse Road and Route 17M. He presented a map of the property explaining its location and the change the applicant is requesting. He explained that the site consists of 9.47 acres, of that four acres are zoned RU –rural Residential. The owners are requesting that the entire parcel be zoned Highway Commercial.

Christopher Pskowski , "I am the owner of 52 Gate School House Road, I do not live in Goshen, but I own this parcel." He asked what was the new zoning law that went into effect in 2009, what exactly was that? Mr. Esposito replied the Town amended it's Comprehensive Plan, modifying some of the zoning designations along the 17M corridor, and also some changes throughout the Town. Mr Pskowski asked if any wet land delineations had been done? He said several years ago you bulldozed through a bunch of wetlands out there, and I am sure they will come back up when they do a delineation. He discussed the changes that the applicant will have to do to use the property for Highway Commercial.

Mr. Pskowski also asked if Mr. Esposito had asked the potential buyer of the property for a site plan, and what kind of impact it would have on the area, and if there has been a traffic study? He said if

the Board gives permission to the petitioner, could the sharp corner on Gate School House Road be straightened out? Supervisor Bloomfield replied that the request is not for what they are going to put on the property, but a zoning change.

There was a brief discussion between Mr. Pskowski and the Board about what the Town Board decides and what will go on to the Planning Board to address and decide on.

Mr. Pskowski said that while bringing in rateables will help the Town, it will not help the Town to have the surrounding homes lose their value. We do not need anymore traffic on Gate Schoolhouse Road, especially with that sharp turn there.

Mr. Pskowski is against the request, and spoke also for his neighbor Mr. Menner.

Councilman Cappella asked Mr. Esposito if the zoning was changed in 2004 or 2009? Mr. Esposito replied both times. Councilman Cappella asked how it was zoned in 2004? Mr. Esposito replied it was all Commercial, and then it split. In 2009 it was the same as it is now, RU.

With no further comments from the public, the Supervisor asked the Board for their comments. Councilman Canterino said that back in 2008 when the Master Plan was updated, some of the reasoning was that we needed to update where Commercial should be, traffic patterns, etc. He said we spent a lot of money on engineering, planning, and legal work to update all of the zoning. He said it took two years, and all that money spent, so that we got the best use and value out of the property. Therefore, he felt no reason to change what was done at that time. He felt this could be spot zoning, and it encroaches on the residential area.

Mr. Esposito explained the side lot requirements for a Commercial Zone saying this would protect the residential area.

Councilman Lyons said a gentleman spoke earlier in the meeting, inferring he thought the Board had their minds made up about this petition, "a deal made in the backroom, whatever". Councilman Lyons said he wanted to make it known to everyone in this room the amount of time and effort that goes into these discussions. We have discussed these two issues, being addressed tonight for hours after hours. He said these decisions are difficult to make.

Councilman Lyons asked why the Board has not received the County's comments? Mr. Esposito said the County had received the information about the request on October 19, 2011, and the thirty day time span to comment has passed. He questioned why the County is not commenting, and he would like to have heard from them. Councilman Lyons said Mr. Esposito indicated there is some interest in the property, and he asked if Mr. Esposito could comment on what that interest is. Mr. Esposito said he was unable to comment, however what ever it is, it will be subject to all the reviews, etc. before the Planning Board.

Councilman Lyons said the petition went before the Town Board, and it had a 5 to 2 vote in the petitioner's favor. However, Councilman Lyons stated that the piece of property involved would have to be entered on Gate School House Road, and that being so, his answer would have to be no to changing the zoning.

Councilman Newbold said he has been here for fourteen years and in that time this property has been looked out for commercial several times, and turned down each time. He said he agreed with Councilman Canterino, in regard to the length of time the Board has spent on the existing zoning. He said if I were one of those people who just purchased new homes in that area, I would be very disappointed in this Board if it allowed the trucks, noise, etc. in that is associated with commercial properties. He said to put that in a residential area, his vote would be no.

Councilman Cappella too was concerned about the residential area, and he said he read the comments from the Planning Board suggesting it be all zoned Highway Commercial with a 5 to 2 vote. He said he would have to go along with the Planning Board.

Supervisor Bloomfield stated that Gate School House Road is a residential area, Route 17 is a Commercial area. He also agreed with Councilman Canterino on the fact that there was a terrific amount of work on zoning in 2004 and 2008. He said we went through "excruciating efforts" to zone different parcels, and he said he could see this as a "creep" toward the residential zones. Therefore, he would have to stay with the current zoning. He called for a vote.

Councilman Newbold made a Motion to allow NU III, LLC request for a zoning map change of a 9.74 acre parcel, Tax Map 12-1-47. Councilman Cappella seconded the Motion. Supervisor Bloomfield asked for a Roll Call Vote:

Councilman Canterino	NAY	Councilman Lyons	Nay
Councilman Newbold	Nay	Councilman Cappella	AYE
Supervisor Bloomfield	Nay		

Motion not carried by a vote of 4 Nay 1 AYE.

Councilman Cappella made the Motion to close the Public Hearing, Councilman Newbold seconded he Motion, Motion carried unanimously.

B. CONTINUATION OF PUBLIC HEARING FOR REQUEST BY JAMES DILLIN TO REZONE A TAX MAP PARCEL, SECTION 12, BLOCK 1, LOT 2.3

Supervisor Bloomfield explained the Petitioner wants to rezone the parcel from RU/CO to Industrial.

Councilman Lyons made a Motion to open the Continuation of the Public Hearing for the James Dillin request to rezone Tax Map Parcel, Section 12, Block 1, Lot 47. The Motion was seconded by Councilman Newbold, Motion carried unanimously.

Mr. Dillin addressed the Board, again explaining that the petitioner, Darlene Kerr is asking to rezone a 31 acre parcel located on Hartley Road, and it is adjacent to Heritage Trail, and on the sharp bend on Hartley Road. He called attention to the map and pointed out where the parcel is located. He said the parcel is now split up between two zones, part of it is 60% RU and the back 40% of the property is a CO Commercial Zone. Mr. Dillin stated the Kerrs have been marketing this parcel for some time with no interest. He said the property was originally zoned entirely industrial, which was changed in 2004, and split up into a Residential Zone and a Commercial Zone. He said this virtually makes any reasonable use of this property impossible, as you would have to go through the Residential Zone to get to the Commercial Zone. He said there is a party interested in doing a mulch business of this site if the zone change is allowed.

Supervisor Bloomfield called for comments from the public.

Mr. Lai, 127 Cheechunk Road, stated he had reported to Orange Environmental the fact that five residents of Cheechunk Road have cancer, he said as a resident of fifty years, he is one of them. He said that his concern is what kind of business are we talking about, what kind of materials will be used, etc. if we are changed to industrial. Mr. Lai stated "I do not want to see another neighbor have cancer." He said Goshen is a great place to live, and Cheechunk Road was wonderful, but suddenly the whole landscape is being changed. He said if the mulching was done in a safe way he

has no objection. However, he would hope that it would be done with the environment and the Community's safety in mind.

Josh Schoen, 126 Cheechunk Road, stated that since 2004 four new houses have been built on Cheechunk, making a much more residential area. He said on the Board's previous argument about encroaching on residential areas, this also would fall in the same line. He said if you do put some kind of composting facility here, in spite of all kinds of site plans, what about the smells, and other environmental affect to the area. Mr. Schoen said putting industrial zoning into or near residential areas only hurts the property values of the resident. Since 2006 I have watched my property value plummet. We now are going to have an O & R Substation, we have the jail off of Six and a Half Road. He said I feel bad for the family trying to sell the property, but maybe if they try to do something more residential it might help them.

Jean Strong, 212 Cheechunk Road, said she has lived on Cheechunk Road for sixty four years. My two daughters and my husband and I strongly object to this change of the zoning, especially to Industrial. "You know what we have put up with the Land Fill, the jail, the power lines, and everything else." She said we can't take any more chances on the value of our property decreasing or the health affects of this. "I urge the Board to leave it as it is."

Tom Maloney, lives on a private road off of Cheechunk. He said he built his home in 2002, I pay 17,000 a year in property taxes, which I knew going in. I knew the jail and the landfill were there, the transfer station, I can hear the back up alarm clear as day, sound carries very far, but I knew that when I moved in. He said he camped on the property for a week just to hear everything. I knew these things coming in, but I will oppose any more land use changes, especially industrial. He said this will start encroaching, these are not small houses, we pay a lot of taxes. He also spoke of the existing traffic, and adding more.

Mr. Lai spoke again saying many people are moving out, and he is thinking of doing the same. "Land is the Mother, don't touch it."

Donna Allen said at the last meeting she had submitted a few questions to the Board, and would like to know if the Board had time to address them? Supervisor Bloomfield replied they had received them, but at this time the Board is unable to answer them. He said if this proceeds on they are part of the record.

With no further comment, Councilman Newbold made a Motion to close the Public Hearing. Councilman Lyons seconded the Motion.

Supervisor called on the Board for their comments.

Councilman Newbold said this one is more complex, as it looks "like a war zone" already. He questioned if this could be considered spot zoning. He commented on the fact the Planning Board allowed these new homes to be built. He said we really need ratables, but he would have to say no to this zoning change.

Councilman Lyons said he discussed this earlier in the day with several people, and that he would like to consult our counsel. He said it was stated to him that if there is going to be a zone change, there is also a special use permit that effectively we should be doing in tandem. Attorney Caplicki explained that the Board is proceeding in the proper manor according to State Law, and our Town Code. He said there would be a special permit required and they would have to SEQRA the project, etc. However, tonight you are simply voting on the zoning change. Attorney Caplicki said he would advise the Board not to vote for approving the zoning change tonight without discussing it among the Board, as you are doing now. He said if the Board would like to approve the change, this matter

should go to a consolidated review between the Planning Board and the Town Board, and also a consolidated Public Hearing, which will require a site plan, etc. Attorney Caplicki stated that if the general consensus of the Board is to deny the application, the Board can end it tonight.

Councilman Lyons asked if the County had commented on this application. Mr. Dillin said he had received a letter from the Planning Board, but not the County. He said there did not seem to be any objection from the Planning Board. Councilman Lyons asked to see the letter, and read the letter aloud, contents to follow:

At the meeting of October 20th the Planning Board reviewed the Kerr Zoning change requested by the Town Board for comments, and authorized our office to convey it's comments to the application. The Kerr application noted that the purpose of the requested zone change was to use the property as a composting facility. The Planning Board noted that a composting facility is not permitted in the RU District under 97-58 of the Town Code, unless it is located on a farm operation, but would be permitted in an Industrial District. Given the configuration of the lot, the Planning Board had concerns about the access to the site by truck traffic, but recognize these concerns would be addressed during the site plan review process.

The Planning Board could not identify any detriment to the Town, if the requested zone change was granted, but did see a benefit to the applicant. Additionally the Planning Board commented that the permitted use in the RU District does not really seem to be appropriate for this property.

Signed by Attorney Rick Golden, Planning Board Attorney.

Councilman Lyons also questioned the spot zoning issue. Mr. Dillin answered saying there is a section contiguous to the parcel and pointed out a small section that connected the parcel to the rest of the property. There was a discussion about the road frontage needed and how it would be met. Mr. Dillin stated the lot is non conforming and pre existing. Mr. Lyons said that after considering all the factors, he would approve the zone change.

Councilman Cappella stated that this one is a tough one. He said upon researching the application he said it was industrial in 2004, and it was changed for what ever reason to RU. He said he did not know why Mrs. Kerr did not argue against it then. He said he could not understand any one building homes on this road, or making it residential. Councilman Cappella stated he did not know where this application will go, but at this time he would have to approve it.

Councilman Canterino felt that no matter which way the Board goes, someone will be unhappy. He said the Board has spent a lot of time on this. He said he was concerned about the truck traffic going through the residential areas. He said a lot of work was done in forming the current zoning, and the sensible thing would be to make it industrial. However, the problem is I don't want to lead anyone on if in the long run they might, due to zoning laws, not be able to get a required special use permit, or obtain Planning Board approval. There was a discussion about the limits already on the property, such as the Power Lines, the wet lands and flood plain. Councilman Canterino expressed concern for the people who purchased homes in this area, not knowing the residential status of the property could be changed.

Considering everything, Councilman Canterino stated he believed the property should be zoned Commercial.

Supervisor Bloomfield agreed this was a difficult decision to have to make, and it is a shame it was changed in 2004, it is not a good piece of residential property. He asked when the new homes were built, and someone in the audience replied two in 2002 and his was built in 2006. A women in the

audience said her home was built in 2005. Supervisor Bloomfield said he could not support the zoning change.

After a lengthy discussion, Councilman Canterino made a Motion to approve the request by James Dillin to rezone a Tax Map parcel, Section 12, Block 1, Lot 47 on the Tax Map, from RU/CO to Industrial. The Motion was seconded by Councilman Lyons. Supervisor Bloomfield asked for discussion. Councilman Lyons asked if a zone change was made, was the Board setting themselves up for a law suit because we made the change, and then we don't grant the special use permit, or the Planning Board does not allow it?

Attorney Caplicki stated that the Board has to understand that the current zoning does not permit this use.

Councilman Lyons said if the Board votes yes on this, it means they approve of the change, and a no vote means it remains as it is? Attorney Caplicki replied yes. Councilman Lyons said if he voted for the change today, he could possibly vote no for the Special Use Permit? "Am I jeopardizing the Town?"

Attorney Caplicki replied you could be. He went on to explain that at the present time, it is not permissible to have this type of use on this parcel because of the zoning. "There is no application they can ever make, to get approval for this use unless this Town Board changes the zoning, either through a zoning change or rezoning the whole Town." He explained that once the Board approves the change the applicant can go further and ask for the Special Use Permit. If the applicant meets all requirements, and the Councilman votes no, there could be a problem. The Attorney went on to explain in detail the way the process works.

Supervisor Bloomfield called for a Roll Call Vote:

Supervisor Douglas Bloomfield	Nay		
Councilman Philip Canterino	Nay	Councilman George Lyons	Aye
Councilman Kenneth Newbold	Nay	Councilman Louis Cappella	Aye

Vote: Motion defeated 3 Nays to 2 Ayes

2. APPROVAL OF MINUTES: Councilman Newbold made a Motion to approve the Regular Meeting of October 27, 2011, the Motion was Seconded by Councilman Lyons. Vote carried 4 to 0, with Councilman Lyons abstaining as he was not present at this meeting.

Councilman Cappella made a Motion to accept the minutes of the Work Session of October 24th, and the Combined Work Session/Regular Meetings of November 10th and November 21, 2011. The Motion was seconded by Councilman Lyons. Motion carried 5 to 0.

3. DISCUSS ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT PROPOSED PLAN FOR WALLKILL RIVER MAINTENANCE: Supervisor Bloomfield reported that he had been invited to an Orange County Soil & Water Conservation District meeting. He said they meet at least once a year or more often, and talk about the maintenance of the Wallkill River. The Supervisor stated the following was discussed:

1. Status of 2011 Maintenance Activities and Fund Balance
2. Review Draft Bid Packet and Procedures for 2012 Maintenance Activities
3. Aug/Sept Storm response, Proposed Channel Improvement/Clearing and Snagging
4. Expansion of Maintenance Boundaries
5. Other Items from Attendees

The Supervisor stated the usual maintenance is to remove downed trees, dead trees and other debris that is in the river or in the floodway. He said that in 2011 the County wanted to remove downed and dead trees, they wanted to cut some trees. At that time the County wanted to start at the Pellets Island Bridge and go to the Gersbeck property. He said the DEC came down and marked some trees in the floodway saying those trees could be taken out and removed, and some could not be cut to protect the Indiana Bats. He said the Building Office enforced the rules of our Code and asked for a permit to be obtained by the County to do so. Our Code (based on the State Code) states that when you work in a Floodway, you must do a study before you do any work there, to ensure there will be no harm done to the river. The County said a permit was not required, and they were not going to obtain one, and proceeded to do the work without a permit in 2011. He said the Board met with the County and voiced their opinion that a permit was required.

He said last Tuesday the County announced a new plan for 2012, to pick up where they left off, clean all the trees out of the Flood Plain all the way to 17M, with the exception of the trees directly in front of the intrusion where the landfill is migrating into the river. Again, the Supervisor expressed a need for them to obtain a permit, and where was the money coming from, as this was not in our budget. Building Inspector Halloran will be contacting the County stating the need for the permit.

Supervisor Bloomfield said the County plans on taking all the trees out (smaller than 20") from the Gersbeck Farm to Route 17, last year they took out trees up to the Gersbeck Farm. The Supervisor asked what happened to all the trees they took out last year, and asked about the DEC's request to save the trees they marked to protect the Indiana Bats. He was told that the DEC said they can take any trees out that they want now. They now are going back to take the remaining trees out. The Supervisor told the group that the Board would need to know that what they are doing will not harm the operation of the river.

There was a lengthy discussion in reference to the various effects the removal of the trees could cause. No further action was taken.

F. NEW BUSINESS:

1. RESOLUTION: INSURANCE COVERAGE FOR 2012: Councilman Louis Cappella made a Motion to authorize the Supervisor to sign the contract appointing Marshall & Sterling Insurance Agency as the Insurance Broker for the Town of Goshen for the year of 2012, at the reduced fee of \$69,262.60. Councilman Lyons seconded the Motion. Motion carried unanimously.

The Supervisor and the Board thanked Councilman Lyons for all the work he has done with the various types of insurance for this 2012 Budget.

G. FINANCE: Councilman Newbold made a Motion to authorize the Supervisor to pay accounts payable check run for 12/1/11 amounting to \$77,980.68. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Attorney Caplicki stated he would like to discuss the Orange & Rockland Application. He explained that the Planning Board has a site plan for the project in front of them. He explained it is not necessary to come before the Board for the site plan, but it has to come before this Board for a

Special Use Permit. He said the Special Use Permit requires SEQRA, which will require the Board to set a Public Hearing. Councilman Cappella made a Motion to set a Public Hearing, for joint purposes between the Town Board and the Planning Board, to set the SEQRA aspect of the Orange and Rockland Application, the Special Use aspect of the Application, and at the same time, allow the Planning Board to have it's Public Hearing on the Site Plan use. The Public Hearing will be held on the 19th day of January at 7:30 p.m. or as soon thereafter as it is possible, at the Town Hall located at 41 Webster Avenue, Goshen, New York. The Motion was seconded by Councilman Lyons. Motion carried 5 to 0.

B. PRIVILEGE OF THE FLOOR:

Joel Markowitz stated it was rare to have the Supervisor and the Mayor in the same room, and at same time, so he would like to put on the floor a request to the Mayor and the Supervisor that the two Boards together go to the Legislature and make a request that the County take over the traffic enforcement, which would save both entities with large portions of their Police Budgets. The Board responded saying they have looked into this somewhat. The Attorney and the Supervisor said it would take a lot of study and a great deal of time.

Councilman Newbold made a Motion to adjourn the meeting and go into Executive Session to discuss the potential settlement of the Village/Town Sewer dispute and proposed new Intermunicipal Agreement, with intent to return. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

Time: 9:40 p.m.

The Town Board came out of Executive Session at 10:20 p.m. Supervisor Bloomfield called the meeting back to order.

Councilman Newbold made a Motion that the Supervisor be authorized to execute, on behalf of the Town and Sewer Districts, the attached IMA for sewer services to be provided by the Village to the Town districts.

2. Dennis Caplicki, as attorney for the Town is authorized to sign the Stipulation of Discontinuance, to terminate the arbitration and/or the litigation between the Village and the Town in connection with the Village provision of sewer service to the Town districts.

3. That the Supervisor is authorized to sign the pertinent letter to the Village setting forth and acknowledging the payment by the Town to the Village the sum of \$25,000 in full payment of any or all disputed pertinent amounts due from the Town Districts to the Village for sewer service for the years of 2008, 2009, 2010.

The Motion was seconded by Councilman Canterino.

Upon Roll Call Vote:

Supervisor Douglas Bloomfield	AYE	Councilman Philip Canterino	AYE
Councilman George Lyons	AYE	Councilman Louis Cappella	AYE
Councilman Kenneth Newbold	AYE		

Vote: Motion carried 5 to 0.

Thanks were given all around for the open relationship, and the hands extended now between the Village and the Town, everyone would like it to continue. The Mayor shook hands with all of the

Councilmen and the Supervisor, and both sides thanked each other for the hard work put into resolving this problem.

The Board extended it's thanks to each other and all the professionals involved between the Town and the Village, who worked to bring the arbitration to an end and the drawing up of the new Intermunicipal agreement.

Mayor Roddey will take the signed agreement to the Village for their meeting and signatures.

Councilman Newbold made a Motion to go into Executive Session to discuss Status up-date of tax certiorari, and Discuss Chief Marsh Up-date, with intent not to return. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Time: 10:45 p.m.

Valma Eisma, Town Clerk

