

A Regular Meeting of the Town Board of the Town of Goshen was held on the 13th day of January 2005 at 6:00 p.m. in the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:

Richard Roberts	Deputy Supervisor	Kenneth Newbold	Councilman
Douglas Bloomfield	Councilman	Louis Cappella	Councilman

Absent: Honey Bernstein, Supervisor

Also Present: Rick Golden, Attorney

A. Call to Order

Deputy Supervisor Roberts called the meeting to order at 6:00 p.m.

B. Amendment to the Agenda

Councilman Cappella stated that Robert Farfalla was left out of the appointments and reappointments. Councilman Cappella made a Motion to reappoint Mr. Farfalla to a new five year term on the Zoning Board of Appeals, term to end 1/1/2010. The Motion was seconded by Councilman Newbold. Motion carried 4 – 0.

C. Privilege of the Floor: (AGENDA ITEMS ONLY) No Response

D. Old Business:

1. Annexation: Attorney Rick Golden joined the Board to explain their options in regard to voting on the annexation of S/B/L – 20-1-34.2 (aka “Mulrad Property”) into the Village of Florida. Councilman Bloomfield expressed concern for the number of homes planned, the number of wells and septic systems involved and their impact on the water shed. Councilman Roberts felt the new comprehensive plan should be able to address this. Councilman Bloomfield stated that if the property is annexed it will be under the control of the Village of Florida’s zoning laws and Goshen would have no control and he was not familiar with their codes. Attorney Golden presented and read the Negative Declaration and said the Village of Florida has determined that the proposed action will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

The Board expressed concern for the loss of tax dollars and Councilman Bloomfield said there are seven or eight parcels in this area that will be isolated if the annexation takes place. He felt that these parcels might want to be annexed also. Attorney Golden stated that he was concerned about the fact that the petition was presented by

Elkarpo, Ltd., but the petition was signed by Elias Mulrad. He questioned whether this person is authorized to sign on behalf of Elkarpo, Ltd. Councilman Cappella made the Motion to deny the petition annexation, Motion seconded by Councilman Roberts.

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION

**ELKARPO, LTD PETITION TO ANNEX CERTAIN LAND IN THE
TOWN OF GOSHEN INTO THE VILLAGE OF FLORIDA**

Introduced by: Councilman Louis Cappella

Seconded by: Councilman Richard Roberts

Date of Resolution: January 13, 2005

WHEREAS, a certain petition was filed with the Town of Goshen by Elkarpo, Ltd., dated August 6, 2004, (hereinafter the "Petition") requesting, pursuant to Article 17 of New York General Municipal Law, that the Town of Goshen assent to the annexation into the Village of Florida of certain property situated in the Town of Goshen, and owned by Elkarpo, Ltd., and generally located between New York State routes 17A and 94, near the intersection of such Routes, and more particularly described as Section 20, Block 1, Lot 34.2 of the Tax Maps of the Town of Goshen; and

WHEREAS, pursuant to the requirements of Article 17 of New York General Municipal Law the Town of Goshen Board and the Village of Florida Board of Trustees noticed and conducted a joint public meeting on October 28, 2004 at 7:30 p.m. at the Town Hall of the Town of Goshen to hear testimony and receive evidence concerning such annexation; and

WHEREAS, the Town Board of the Town of Goshen has reviewed all materials submitted to it by the Petitioner, has considered all comments received at the joint public meeting, has considered the Notice of Determination of Non-Significance by the Village of Florida (the Town noting in response thereto that the Town's existing

watershed regulations would ensure no adverse impact to the Town's watershed if the project were to be constructed within the Town), has consulted with Town officials and consultants, and has contemplated whether such annexation would be in over-all public interest, and

WHEREAS, ON January 11, 2005, the Village of Florida assumed coordinated lead agency status under the State Environmental Quality Review Act, designated the action as a Type I (owing to the location of the 25+ acre subject property in an Agricultural District), and made a determination of significance of a Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Goshen hereby denies the Petition for annexation of the noted Elkarpo Ltd. land because (1) the Petition does not comply with New York General Municipal Article 17 as to the Petition signature by Elias Muhlrاد, as there was no indication that Mr. Muhlrاد was the authorized representative of Elkarpo, Ltd., (2) the annexation is not in the over-all public interest as the Town of Goshen Zoning Code permits the proposed project to proceed in the Town of Goshen, and the resulting reconfiguration of the Town/Village boundary as proposed will result in several properties remaining in the Town being surrounded by the jurisdiction of the Village of Florida, and (3) the loss of Town Outside Revenue to the Town will result, and

BE IT FURTHER RESOLVED, that Richard B. Golden, Esq., special counsel to the Town of Goshen for this annexation matter, is hereby authorized to prepare all necessary Orders, Findings, and any other papers, for execution by the Deputy Supervisor and filing in accordance with Article 17 of New York General Municipal Law and the above Resolution denying the Petition.

Roll Call Vote:

Supervisor Bernstein	Absent	Deputy Supervisor Roberts	AYE
Councilman Newbold	AYE	Councilman Cappella	AYE
Councilman Bloomfield	AYE		

Vote: The above Resolution carried by votes of 4 Ayes - 0 Nays, with Supervisor Bernstein recused.

2. APPOINTMENTS AND REAPPOINTMENTS

**TOWN OF GOSHEN
County of orange, State of New York**

RESOLUTION

**AUTHORIZING RE-APPOINTMENT OF
RAY MYRUSKI TO THE
PLANNING BOARD**

Introduced by : Councilman Louis Cappella
Seconded by: Councilman Douglas Bloomfield
Date of Adoption: January 13, 2005

WHEREAS, the Town wishes to re-appoint Ray Myruski to the Planning Board to serve a term ending on January 1, 2010.

NOW THEREFORE, BE IT RESOLVED

That the Town Board re-appoint Ray Myruski to the Planning Board to serve a term ending on January 1, 2010.

Upon roll Call Vote:

Supervisor Bernstein	Absent	Councilman Newbold	AYE
Deputy Supervisor Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

Vote: Resolution carried by a vote of 4 to 0.

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION
AUTHORIZING APPOINTMENT OF THREE NEW MEMBERS
TO THE ENVIRONMENTAL REVIEW BOARD

Introduced by: Councilman Louis Cappella
Seconded by: Councilman Douglas Bloomfield
Date of Adoption: January 13, 2005

WHEREAS, the Town wishes to appoint three (3) new members to serve on the Environmental Review Board as follows:

Phil Dropkin - Term Ending: January 1, 2007

Frank Gillis - Term Ending: January 1, 2007 and

Norman Stein – Term Ending: January 1, 2007

NOW, THEREFORE, BE IT RESOLVED

That the Town Board approves the appointment of the following new members to serve on the environmental Review Board:

Phil Dropkin – Term Ending : January 1, 2007

Frank Gillis - Term Ending: January 1, 2007

Norman Stein – Term Ending: January 1, 2007

Upon Roll Call Vote:

Supervisor Bernstein	Absent	Councilman Newbold	AYE
Deputy Supervisor Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

Vote: Resolution carried by a vote of 4 to 0.

**TOWN OF GOSHEN
County of Orange, State of New York**

RESOLUTION

**AUTHORIZING APPOINTMENT OF
TRINO CANTON TO THE
ZONING BOARD OF APPEALS**

WHEREAS, the Town wishes to appoint Trino Canton to the Zoning Board of Appeals to serve a term ending January 1, 2007.

NOW, THEREFORE, BE IT RESOLVED

That the Town Board approved the appointment of Trino Canton to serve a term ending January 1, 2007 on the Zoning Board of Appeals.

Upon Roll Call Vote:

Supervisor Bernstein	Absent	Councilman Newbold	AYE
Deputy Supervisor Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

Vote: Resolution carried by a vote of 4 to 0.

**TOWN OF GOSHEN
County of Orange, State of New York**

RESOLUTION

**AUTHORIZING APPOINTMENT OF
DAWN SANTORO TO CHAIRMAN
OF THE ZONING BOARD OF APPEALS**

Introduced by: Councilman Kenneth Newbold

Seconded by: Councilman Louis Cappella

Date of Adoption: January 13, 2005

WHEREAS, the Town wishes to appoint Dawn Santoro to Chairman of the Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED

That the Town Board appoint Dawn Santoro to Chairman of the Zoning Board of Appeals.

Upon Roll Call Vote:

Supervisor Bernstein	Absent	Councilman Newbold	AYE
Deputy Supervisor Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

Vote: Resolution carried by a vote of 4 to 0.

3. BOCES POLICE OFFICER CONTRACT

**TOWN OF GOSHEN
County of Orange, State of New York**

RESOLUTION

**AUTHORIZING CONTRACT
WITH BOCES**

Introduced by: Councilman Louis Cappella
Seconded by: Councilman Kenneth Newbold
Date of Adoption: January 13, 2005

WHEREAS, Orange-Ulster BOCES has submitted a proposal to provide two (2) School Resource Offices to Orange-Ulster BOCES for the Town of Goshen dated January 5, 2005; and

WHEREAS, the parties have agreed upon the terms and conditions of the agreement.

NOW, THEREFORE, BE IT RESOLVED:

That the Supervisor be, and hereby is, authorized to execute an agreement, in a form to be approved by the Town Attorney, with Orange-Ulster BOCES in accordance with the contract dated January 5, 2005, and attached hereto.

Upon Roll Call Vote:

Supervisor Bernstein	Absent	Councilman Newbold	AYE
Deputy Supervisor Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

Vote: Resolution carried by a vote of 4 to 0.

**RESOLUTION AUTHORIZING DEPUTY SUPERVISOR TO PURCHASE
STORAGE CONTAINER FOR SALESIAN SALVAGE MATERIAL**

Deputy Supervisor Roberts reported to the Board that he had contacted MS, The Mobile Storage Group to purchase a 40 ft. storage container to house the salvageable items taken from the Salesian mansion. He said the container is water tight, made of steel and has a wooden floor. The Deputy Supervisor said he had the Supervisor's secretary contact the Village, so that they would be prepared to share the cost. The container will be stored on Town Property near the Highway Garage.

TOWN OF GOSHEN

County of Orange, State of New York

**RESOLUTION
AUTHORIZING DEPUTY SUPERVISOR TO PURCHASE
STORAGE CONTAINER FOR SALESIAN SALVAGE
MATERIALS**

Introduced by: Councilperson Louis Cappella
Seconded by: Councilperson Douglas Bloomfield
Date of Adoption: January 13, 2005

WHEREAS, Deputy Supervisor Roberts has solicited quotes in accordance with the Town’s procurement policy; and

WHEREAS, the Town of Goshen Town Board has determined it is in the best interest of the Town to purchase a storage container for materials salvaged by the contract during the demolition of the Salesian property.

NOW, THEREFORE, BE IT RESOLVED:

That the Town Board of the Town of Goshen hereby authorizes the Deputy Supervisor to purchase a storage container on behalf of the Town in the amount of \$3,331.95 for materials salvaged by the contract during the demolition of the Salesian property.

Upon Roll Call Vote:

Supervisor Bernstein	Absent	Councilman Newbold	AYE
Deputy Supervisor Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

Vote: Resolution carried by a vote of 4 to 0.

5. Authorize Francine Niesolowski and Lisa Chutka to attend a New York State ORPS Class:

Councilman Newbold made a Motion to authorize Francine Niesolowski and Lisa Chutka to attend a New York State ORPS Class January 26 & 27th from 9:00 a.m. to 5:00 p.m., there is no charge for the course. Motion was seconded by Councilman Bloomfield. Motion carried 4 to 0.

E. NEW BUSINESS;

1. Dedication of Angela's Way

Councilperson Kenneth Newbold offered the following resolution and moved its adoption: Councilman Douglas Bloomfield seconded its adoption. It was duly put to a vote on roll call which resulted as follows:

Supervisor Honey Bernstein	ABSENT
Councilperson Kenneth Newbold	AYE
Councilperson Richard Roberts	AYE
Councilperson Louis Cappella	AYE
Councilperson Douglas Bloomfield	AYE

The resolution, having received at least two-thirds vote of the members of the Town Board was declared by the Deputy Supervisor to be adopted.

**Town of Goshen
County of Orange: State of New York**

In the Matter of the Laying Out of Angela's Way as a
Public Hearing in the Town of Goshen,
Orange County, New York

**ORDER
LAYING OUT
HIGHWAY**

PRESENT: Hon. Stephen P. Andryshak, Highway Superintendent

Pursuant to the authority of Highway Law §171(2) regarding the laying out of certain lands here in below described for highway purposes in the Town of Goshen, and there having been filed with the undersigned the written consent of the Town Board of the Town of Goshen, being attached hereto, together with the releases of owners of land taken or affected hereby,

NOW, THEREFORE, I, AS Superintendent of Highways of the Town of Goshen, Orange County, New York, do hereby

ORDER, that the lands hereinafter described be and the same hereby are laid out and accepted as public highway of the Town of Goshen, Orange County, New York:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate in the Town of Goshen, County of Orange, State of New York, and being more accurately bounded and described in Schedule A annexed hereto, which said highway shall be known as "Angela's Way". Dated in the Town of Goshen, Orange County, New York, this 13th day of January, 2005.

2. Resolution Adopting Negative Declaration Salesian Mansion Demolition and Asbestos Abatement

TOWN OF GOSHEN
County of Orange

RESOLUTION
ADOPTING NEGATIVE DECLARATION
SALESIAN MANSION DEMOLITION AND ASBESTOS ABATEMENT

Introduced by: Councilperson Louis Cappella
Seconded by: Councilperson Kenneth Newbold
Date of Adoption: January 13, 2005

WHEREAS, the Town of Goshen Town Board has conducted several studies related to the structural integrity and historic significance of the Salesian Mansion; and

WHEREAS, these studies have concluded that the building is unsafe and beyond repair for rehabilitation; and

WHEREAS, the Town has commissioned salvage work within the Mansion to retrieve salvageable significant figures including doors, window frames and mantels; and

WHEREAS, the Town now desires to demolish the Mansion to remove this unsafe structure; and

WHEREAS, the Town has solicited bids for the demolition which bids include appropriate procedures for abatement and disposal of any asbestos located within the building; and

WHEREAS, the Town of Goshen has determined that it is in the best interest of the citizens of the Town of Goshen to accomplish this demolition.

NOW THEREFORE BE IT RESOLVED; that the Town board of the Town of Goshen adopts a Negative Declaration under SEQR for the Salesian Mansion Demolition and Asbestos Abatement;

BE IT FURTHER RESOLVED that the description of the action and reasons supporting this determination are included on the Negative Declaration attached hereto and made a part of this resolution.

Upon Roll Call Vote:

Supervisor Bernstein	Absent	Deputy Supervisor Roberts	AYE
Councilman Newbold	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

Vote: Resolution carried by a vote of 4 to 0.

Councilman Douglas Bloomfield offered the following resolution and moved its adoption; Councilman Louis Cappella seconded the Motion. It was duly put to a vote on roll call which resulted as follows:

Supervisor Honey Bernstein	Absent	Councilperson Kenneth Newbold	AYE
Deputy Supervisor Richard Roberts	AYE	Councilperson Louis Cappella	AYE
Councilperson Douglas Bloomfield	AYE		

The resolution, having received at least two-thirds vote of the members of the Town Board, was declared by the Deputy Supervisor to be adopted.

**BOND RESOLUTION OF THE TOWN OF GOSHEN, ADOPTED
JANUARY 13, 2005, AUTHORIZING DEMOLITION OF THE
SALESIAN MANSION, STATING THAT THE ESTIMATED MAXIMUM
COST THEREOF IF \$360,000.00, APPROPRIATING SAID AMOUNT
THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$180,000.00
SERIAL BONDS TO FINANCE SAID APPROPRIATION**

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including the filing of a negative declaration and compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;

NOW THEREFORE,

**BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF
GOSHEN IN THE COUNTY OF ORANGE, NEW YORK,** (by the favorable vote of not less than two-thirds of all the members of said Board) **AS FOLLOWS:**

Section 1. The Town is hereby authorized to demolish the Salesian Mansion, including the removal and disposal of asbestos materials therein. The estimated maximum cost of said class of objects or purposes, including preliminary costs, cost of maps, plans, surveys estimates, advertisements, legal documents and costs incidental herto and the financing thereof, is \$360,000.00 and the said amount is

hereby appropriated therefore. The plan of financing is the receipt of \$180,000.00 from the Village of Goshen and the issuance of \$180,000.00 serial bonds to finance said appropriation and the levy of a tax on all the taxable real property within the Town to pay the principal of said bonds and interest thereon as the same shall become due and payable.

Section 2. Serial bonds in the principal amount of \$180,000.00 are hereby authorized to be issued pursuant to the Local Finance Law, constitution Chapter 33-a of the Consolidated laws of the State of New York (herein called "law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

- a) The period of probable usefulness applicable to the purpose for which said serial bonds herein authorized are to be issued, within the limitations of Section 11.00a.12-a of the Law, is ten (10) years.
- b) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.
- c) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulations Section 1.150-2 of the United States Treasury Department.

Section 4. The bonds authorized by this resolution and any bond anticipation notes in anticipation of the sale of said bonds, shall contain the recital of validity prescribed by Sec. 52.00 of the Law and said bonds and any notes issued in anticipation of such bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest of said bonds and any note issued in anticipation of said bonds, and provisions shall be made annually in the budget of the Town by appropriation for (1) the amortization and redemption of the bonds and notes to mature in each year and (b) the payment of interest to be due and payable in each year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Sec. 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, and of Sec. 30.00 relative to the authorization of the issuance of bond anticipation notes and of Sec. 50.00 and Sec. 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes

issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to providing for substantially level or declining annual debt service are hereby delegated to the Town Supervisor, the chief fiscal officer to the Town

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose of which the Town is not authorized to expend money, or
- (b) the provisions of the law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication or

- (b) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

Section 8. The object or purpose described in Section 1 hereof has been determined to be and Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, with respect to which said Town Board has made a "Negative Declaration."

F. FINANCE

Councilman Bloomfield made the Motion to authorize the Supervisor to pay Voucher #2004-2808 to voucher 2004-3050, amounting to \$194,273.33. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

G. FREEDOM OF THE FLOOR

Nick Petraglia asked how much expense was involved in removing the asbestos from the mansion? Deputy Supervisor Roberts stated \$350,000.00 and Councilman Cappella explained that the Town's part would be \$175,000.00 and the expense will be shared by the Village. The placement of the library on the Salesian property was discussed.

Councilman Newbold reported that Highway had done a good job in the recent snow storm and commended the Highway Superintendent and his men. He also reported that the Trail Committee now has a map showing how they hope to tie in the various trails.

The Board discussed Fox Television's request to film Nanny 911 sequence on Arcadia Road in the Town of Goshen. Councilman Newbold suggested they call Chief Dennis Marsh and supply him with the details of the filming. He felt the Building Inspector should be contacted to see if there are any permits needed and to be sure to get a certificate of insurance.

Laurene Standstrom, Goshen Dog Warden and a member of the Humane Society reported that she received a call from Social Services saying they were having a serious problem with feral cats. She said the cats are under cars and climbing on cars and she received a letter from Stephanie Cockburn, who lives across from the Police station stating problems she is having with feral cats. She said a feral cat tore through her screen, entered the home and terrified Stephanie's daughter and then tried to attack her own cat. She said she has found them sitting on her window sill and her family cannot enjoy their backyard without being bothered by these cats. Laurene said these people are asking for help and she did not know what to do under the circumstances.

Deputy Supervisor Roberts said the Board is working on this with the Humane Society and trying to straighten things out. Councilman Cappella said there is definitely a lack of protocol. He stated an organization had to have protocol with records and minutes, etc. Councilman Bloomfield said you have a Board of Directors and they have to take charge of the organization, not the Town of Goshen. He said there are two very strong willed factors here and they have to come to the center and resolve this. Ms. Standstrom asked if there was a danger of the shelter would be shut down. The Board assured her the Board has no intention of shutting the shelter down, they are just withholding money until the problems can be resolved. Councilman Newbold said the group should come in and sit down and talk. The Board suggested calling an emergency meeting with the Board of Directors. Ms. Sandstrom said she would try.

Councilman Bloomfield reported that he had met with the computer service and the Town Hall employees and had gone over the problems the employees are having. The list of problems was given to the service and they said they would do their best to correct them.

Councilman Bloomfield made a Motion to adjourn the meeting. Motion was seconded by Councilman Roberts.

ADJOURNMENT: 7:28 P.M.

Valma Eisma, Town Clerk

