

A Regular Meeting of the Town Board of the Town of Goshen was held on the 10th day of February 2005 at 7:30 p.m. in the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:

Honey Bernstein	Supervisor	Douglas Bloomfield	Councilman
Richard Roberts	Councilman	Kenneth Newbold	Councilman

Absent: Louis Cappella, Councilman

Also Present: John Cappello, Town Attorney

PUBLIC HEARING:

OPEN SPACE PRESERVATION ACQUISITION LOCAL LAW

Supervisor Bernstein asked for public comment, no response. Councilman Newbold made a Motion to close the Public Hearing. The Motion was seconded by Councilman Bloomfield. Motion carried unanimously.

A. CALL TO ORDER: Supervisor Bernstein opened the meeting with the Pledge of Allegiance at 7:30 p.m.

B. AMENDMENT TO THE AGENDA

C. PRIVILEGE OF THE FLOOR: No response

D. NEW BUSINESS:

1. Authorizing the Law Firm of Burke, Miele & Golden, LLP to initiate Legal Action

Supervisor Bernstein explained that this is to initiate legal action against Chet's Garage. This was a conditional permit issued to operate a junkyard. This permit stated that certain violations were to be corrected within 60 days and this has not been done.

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION

**AUTHORIZING THE LAW FIRM OF BURKE, MIELE &
GOLDEN, LLP TO INITIATE LEGAL ACTION**

Introduced by: Councilman Kenneth Newbold
Seconded by: Councilman Richard Roberts
Date of Resolution: February 10, 2005

WHEREAS, on November 28, 2004, the Town Board issued a General Municipal Law §136 Junk Yard license to Chet's Garage, Inc./Raymond Korycki for a certain Parcel of land in the Town of Goshen, on the condition that they correct the then existing violations which included, among other things, the location of all junk vehicles and other junk on properties owned or controlled by them or their corporations that were not authorized as a junk yard by the issued license, and

WHEREAS, upon the inspection of certain properties by the Town of Goshen Building and Zoning Inspector it clearly appeared that Chet's Garage, Inc. and/or Raymond Korycki have failed to comply with the license condition, in that various junk, including junk vehicles, has remained on various properties owned and/or controlled by them that do not have a Junk Yard license, thereby constituting continuous violations of the license and the Town Code, and

WHEREAS, a Notice of Violation was issued to Chet's Garage, Inc. and/or Raymond by the Town of Goshen Building and Zoning Inspector notifying them of the violations and their failure to comply with the license notifying them of the violations and their failure to comply with the license condition noted above, and advising them that if the violation was not corrected within two weeks of the Notice of Violation, that appropriate legal action would be taken to correct or abate the violations and to prevent any activity, business or use that violates the Code, and

WHEREAS, more than two weeks have passed since the Notice of Violation and the Town Board is advised by the Town's Building and Zoning Inspector that the noted violations continue to this day unabated,

NOW, THEREFORE, BE IT RESOLVED, that the TOWN OF GOSHEN hereby authorizes Richar B. Golden, Esq., of the law firm of Burke, Miele & Golden, LLP, Goshen, New York, special counsel to the Town of Goshen for this matter, to prepare all necessary papers, and file in the New York State Supreme Court and/or Town of Goshen Justice Court any legal action or actions necessary, upon any appropriate cause of action and/or violation, and against Chet's Garage, Inc., Raymond Korycki, or any other appropriate party, and seeking any lawful remedies under State and local law, including injunctions, fines and penalties, to enforce the violations above-noted.

Vote: The above Reslution carried by a vote of 4 Ayes, 0 Nays and 0 Abstentions.

2. Joint Recreation Resolution for Mower:

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION

**APPROVING JOINT RECREATION COMMITTEE
REQUEST TO PURCHASE MOWER**

Introduced by: Councilman Douglas Bloomfield
Seconded by: Supervisor Honey Bernstein
Date of Adoption: February 10, 2005

WHEREAS, the Joint Recreation Committee has requested to purchase a mower; and

WHEREAS, pursuant to New York State Bid, Sasler's Garden and Farm Equipment, Inc. in New Hampton New York has offered 1 Ferris Zero-Turn Mower in the amount of \$13,500.00.

WHEREAS, the Town Board of the Town of Goshen determines it would be in the best interest of the Joint Recreation Committee to purchase the mower; and

NOW, THEREFORE, BE IT RESOLVED:

That the Town Board authorizes the Joint Recreation Committee to purchase the Ferris Zero-Turn Mower from Sasler's Garden and Farm Equipment, Inc. in an amount not to exceed \$13,500.00 and further authorizes Councilman Douglas Bloomfield and/or the Chairman of the Joint Recreation Committee to execute any documents necessary to effectuate this purchase.

On a vote of 4 to 0, the Supervisor declared the resolution adopted.

3. Emergency Numbering Law – Set Public Hearing 3/21

Supervisor Bernstein explained that the Board has been approached by Fire Companies in Goshen and outside of Goshen requesting that driveways that are more than 100 feet have a special sign at the entrance with a number so that emergency

vehicles can locate them. Councilman Douglas Bloomfield made the Motion to set a Public Hearing for March 21, 2005 at 7:30 p.m. The Motion was seconded by Councilman Roberts. Motion carried 4 to 0.

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION OF INTRODUCTION

DRIVEWAY MARKINGS FOR EMERGENCY PURPOSES

Introduced by: Councilman Douglas Bloomfield
Seconded by: Councilman Richard Roberts
Date of Introduction: February 10, 2005

WHEREAS, an Introductory Local Law entitled “Driveway Markings for Emergency Purposes” was introduced before the Town Board of the Town of Goshen in the County of Orange and State of New York on February 10, 2005; and

NOW, THEREFORE, BE IT RESOLVED, that copies of the aforesaid proposed local be laid upon the desk of each member of the Board; and

BE IT FURTHER RESOLVED, that the Board hold a public hearing on said proposed local law at the Goshen Town Hall, Webster Avenue, Goshen, New York, at 7:30 o’clock P. M. on March 10, 2005; and

BE IT FURTHER RESOLVED, that the Clerk publish or cause to be published a public notice in the official newspaper of the Town of Goshen of said public hearing at least five (5) days prior thereto.

Vote: Resolution carried by a vote of 4 Ayes 0 Nays.

3. Adopt Open Space Law:

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION OF ADOPTION

Open Space and Agricultural Preservation and Acquisition

Introduction by: Councilman Kenneth Newbold
Seconded by: Councilman Richard Roberts
Date of Adoption: February 10, 2005

WHEREAS, an introductory Local Law entitled “Open Space and Agricultural Preservation and Acquisition” be and it was hereby introduced before the Town Board of the Town of Goshen on December 16, 2004, and upon notice duly published and posted, a hearing was held on January 27, 2005 before the Town Board; and

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law;

NOW, THEREFORE, BE IT RESOLVED, that the adoption of the introductory Local Law entitled “Open Space and Agricultural Preservation and Acquisition” is hereby determined not to have a significant effect on the environment.

BE IT FURTHER RESOLVED, that the introductory Local Law entitled “Open Space and Agricultural Preservation and Acquisition” of the Town of Goshen be and hereby is adopted as Local Law of the Town of Goshen on February 10, 2005.

Upon Roll Call Vote:

Supervisor Bernstein	AYE	Councilperson Roberts	AYE
Councilperson Cappella	ABSENT	Councilperson Newbold	AYE
Councilperson Bloomfield	AYE		

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

4. Approve Polling Places:

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION TO APPROVE
POLLING PLACES

Introduced by: Councilman Richard Roberts
Seconded by: Councilman Douglas Bloomfield
Date of Adoption: February 10, 2005

WHEREAS, the Town Board of the Town of Goshen has reviewed the following Polling places in the Town of Goshen:

District	Polling site	Address
1	Goshen Town Hall	
2	Goshen Town Hall	41 Webster Avenue
3	Goshen Town Hall	
4	Goshen School Administration Building	227 Main Street
5	Goshen Village Hall	276 Main Street

6	Dikeman Firehouse	10	Dikeman Drive
7	Hearthstone	19	Quarry Road
8	Goshen Town Garage	44	Police Drive
9	Goshen School Administration Building	227	Main Street
10	Goshen School Administration Building	227	Main Street
11	Dikeman Firehouse	10	Dikeman Drive
12	Hearthstone	19	Quarry Road

NOW, THEREFORE, BE IT RESOLVED that the Town Board approves the above polling places for the Town of Goshen.

Upon Roll Call Vote:

Supervisor Bernstein	AYE	Councilman Newbold	AYE
Councilman Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	ABSENT		

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

5. Appoint Edward Edwards Full Time Police Officer Step 2

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION
APPOINTING FULL TIME POLICE OFFICER

Introduced by: Councilman Kenneth Newbold
 Seconded by: Councilman Douglas Bloomfield
 Date of Adoption: February 10, 2005

WHEREAS, the Chief of Police, Dennis Marsh, has submitted a request to the Town Board to hire a full time police officer for the Town of Goshen; and

WHEREAS, the Chief of Police, Dennis Marsh, has submitted the name of Edward Edwards as full time police officer, at Step 2 with a gross salary of \$37,121.00, such appointment to become effective February 10, 2005.

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

6. Resolution – Police Benevolent Association Contract

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

RESOLUTION

**POLICE BENEVOLENT ASSOCIATION
CONTRACT**

Introduced by: Councilman Douglas Bloomfield

Seconded by: Councilman Kenneth Newbold

Date of Adoption: February 10, 2005

WHEREAS, the Town of Goshen Police Benevolent Association and the Town of Goshen are parties to a collective bargaining agreement; and

WHEREAS, the parties have agreed upon the terms and conditions of the attached Agreement:

NOW, THEREFORE, BE IT RESOLVED:

That the attached Agreement between the Town of Goshen and Town of Goshen Police Benevolent Association (January 1, 2004 through December 31, 2006) be Approved and that the Supervisor be, and hereby is, authorized to sign the same on behalf of the Town.

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

Councilman Newbold said he would like to thank Howard Protter, Esq., Councilman Bloomfield and Supervisor Bernstein for their negotiation skills and the excellent job they did handling the complexities involved.

E. FINANCES:

Councilman Bloomfield made a Motion to authorize the Supervisor to pay Voucher #2005-0001 to Voucher # 2005-0241 amounting to \$170,015.01. The Motion was seconded by Councilman Roberts. Motion carried 4 to 0.

Supervisor Bernstein said she would also like to thank Attorney Protter and Councilman Bloomfield for their help and to thank the Police Force also as they did accept an under market increase.

F. PRIVILEGE OF THE FLOOR

Kay Myruski said a section of the Town of Goshen Zoning Law requires an Agricultural Data Statement. She asked the Building Inspector if the property behind her had one and she was told no. She said also it was not done on Houston Road or North Gate. She said this statement is supposed to be sent to anyone within 500 ft. of the boundary of a development. She said this would have given her and her husband a chance to bring in the Farmland Protection Board which might have helped them. She said she felt she was unfairly discriminated against since it is very hard to do something about anything “when the snowball is already rolling”.

Mrs. Myruski expressed concern for the wells being so close and would like a 100 foot setback as it is afforded to the property in the AE District. She felt it unfair as this is not afforded to her district. She said she is requesting a review from Ag. & Markets. Supervisor Bernstein stated that the Zoning code was sent to Ag. & Markets and received comments back from them and almost all of them have been incorporated into the Zoning Code.

Mrs. Myruski asked why the Planning Board was not enforcing the Agricultural Data Statement? Attorney Cappello replied that the Planning Board is looking into why this was not done, but explained that there is a very similar part in the Planning Board application. He then explained in detail the process the Planning Board has in place. He said there was a question of spreading manure and that has now been addressed in the zoning revisions.

Doris Bialas asked if the setback could be made 200 feet as a maximum and work backward if necessary? She said she felt this would help Mrs. Myruski and others. Supervisor Bernstein said yes it could and these things are being discussed. She said she felt our Planning Board is very sympathetic to our farmers.

Jeannie Ryan was very confused about the RU district and what these districts stand for. She said we are in an AI district, yet AG & Market laws do not seem to apply. Supervisor Bernstein explained that each town that has a zoning code calls its zones whatever it wants. Attorney Cappello said he didn't understand the question since the Board spent over two and a half years on the zoning code with a number of farmers sitting on the committee to assure there were measures put in there. The Board accepted their comments, changed the code because of these comments. Attorney Cappello went on to explain the difference between zoning and agricultural districts. There was a long discussion on the farm districts and various problems.

Reynold Andrews asked if it would be better to have numbers on both sides of the mail boxes instead of signs on the 100 ft long driveways? Supervisor Bernstein explained that these signs are very tall and can be seen easily.

Councilman Bloomfield made a Motion to retire to Executive Session to discuss matters pertaining to the employment history of a particular employee and pending litigation. Councilman Roberts seconded the Motion. Motion carried 4 to 0.

ADJOURNMENT: 8:15 p.m.

Town Clerk