

**TOWN OF GOSHEN  
TOWN BOARD MEETING  
March 9, 2006**

The Regular Meeting of the Town Board of the Town of Goshen was held on the 9<sup>th</sup> day of March, 2006 at 7:30 pm in the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

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

Also Present: John Cappello, Attorney

**A. Call to Order**

Supervisor Bloomfield called the regular meeting of the Town Board of the Town of Goshen to order at 7:33 pm. Mr. Felczak led the Pledge of Allegiance.

**B. AMENDMENT TO THE AGENDA**

**C. PRIVILEGE OF THE FLOOR (agenda items only)**

Ms. Doris Bialas took this opportunity to thank the Town Board for taking over and creating the Scotchtown Park Water District. She wished good luck to the members of that community and hopes that they can come together.

**C. APPROVAL OF MINUTES**

**Approve Minutes:** Special Meeting Feb. 14; Work Session Feb. 21, and Regular Meeting Feb. 23.

The minutes of the Feb. 14, 2006 Special Meeting, Feb. 21, 2006 Work Session and Feb. 23, 2006 Regular Meeting were approved upon motion made by Councilman Cappella, seconded by Councilman Lyons.

**E. OLD BUSINESS**

1. Annexation Petition - Village of Florida

Supervisor Bloomfield summarized the history of this annexation. Last year the Village of Florida petitioned the Town of Goshen to annex the Muhlrud farm to the Village.

A Public Hearing with the two boards was held and after review the Town denied the petition. The reason for that denial was that some parcels of land between the Village and the Town would be cut off. The Village re-applied after contacting these other property owners and another Public Hearing was held with the two Boards. The Town has been working on the documents and they are now satisfactory.

The Supervisor read the one section that has been most recently changed, which dealt with the impact on the Florida schools and called for a motion.

MOTION was made by Councilman Newbold, seconded by Councilman Cappella to adopt the resolution of annexation of certain lands in the Town of Goshen into the Village of Florida. Discussion followed.

Councilman Lyons stated that he would vote against this annexation for the following reasons:

- 1) It was not stated in the plan that it would definitely be a PAC – residential is allowed. He feels that without this security something else could be built
- 2) He is anxious that we are losing part of the Town. Further annexation could occur on Rte 17A, which would further erode our tax base.

Councilman Newbold thanked the attorneys involved and stated that they have worked out a good agreement. The Town will be receiving \$1000/unit and he feels it is unlikely that any further annexation could happen on Route 17A. He stated that this is for the “good of all.”

Councilman Canterino noted that ultimately, the Town has no choice but to accept this arrangement. He is not really for or against the plan, but feels that if this is not accepted, there will be litigation and he does not want to spend further money on legal fees. It is “time to move on.” Councilman Cappella concurs. Supervisor Bloomfield noted that the Village has agreed to give the \$1000/unit for 105 units and also does not want to go to court, which would occur if they deny this petition. He stated that the property will remain in the Town of Goshen, but the roads, police and fire protection will be provided by the Village of Florida.

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

**Resolution**

**ANNEXATION OF CERTAIN LANDS IN THE TOWN OF GOSHEN INTO THE  
VILLAGE OF FLORIDA**

Introduced by: Councilman Newbold  
Seconded by: Councilman Cappella  
Date of Resolution: March 9, 2006

**WHEREAS**, a certain petition was filed with the Town of Goshen by Elkarpo, Ltd., Gary A. Randall, and Katherine Randall, dated on or about October 18, 2005, (hereinafter the "Petition") requesting, pursuant to Article 17 of New York General Municipal Law, that the Town of Goshen, New York assent to the annexation into the Village of Florida, New York, of certain property situated in the Town of Goshen, and owned by Elkarpo, Ltd., Gary A. Randall, and Katherine Randall, 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, Lots 34.2 and 35 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 January 12, 2006, 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 Petitioners, has considered all comments received at the joint public meeting, has considered the Notice of Determination of Non-Significance by the Village of Florida, and has contemplated whether such annexation would be in the over-all public interest,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board finds that the Petition complies with New York General Municipal Law Article 17, and

**BE IT FURTHER RESOLVED**, that the Town Board finds that the annexation is in the over-all public interest, upon compliance with the conditions identified below, as (1) the Town of Goshen Zoning Code and the Village of Florida Zoning Code both permit the proposed planned adult community project to proceed, or other residential project substituted therefor, (2) the Florida School District will not be impacted by the proposed adult community, and any impacts by a residential project other than an adult

community will not be more with the proposed annexation than without the proposed annexation, as the Florida School District has jurisdiction over the subject property in either event, (3) the Fire District coverage will remain the same for the noted properties with the annexation or without it, and (4) the resulting tax revenue loss to the Town of Goshen has been mitigated by the cessation of certain services to the properties involved and the voluntary payments by Elkarpo, Ltd. and/or its successors and assigns to the Town of Goshen as set forth below, and

**BE IT FURTHER RESOLVED**, that the Town Board upon the above considerations hereby approves the above-noted Petition for Annexation only upon the following conditions, which conditions must be agreed to by Elkarpo, Ltd., and be binding on any successors and assigns, by an agreement between the Town of Goshen and Elkarpo, Ltd. (and/or any then successors and assigns) in such form and filed in such manner with the Orange County Clerk as is acceptable to special counsel to the Town of Goshen for this annexation matter, within forty-five (45) days of the date of this Resolution:

1. Elkarpo, Ltd., and/or any successors and assigns must pay to the Town of Goshen to mitigate the tax loss resulting from this annexation the following:
  - (a) One thousand dollars (\$1,000.00) per unit of the proposed 105 unit development, payable prior to the issuance of each of the certificates of occupancy for such units.
  - (b) One hundred five thousand dollars (\$105,000.00) five (5) years from the date of this Resolution, less any prior payments made pursuant to Paragraph 1(a) above, and subject to Paragraph 1(c) below.
  - (c) One hundred five thousand dollars (\$105,000.00) at the real property closing of such property if it is sold prior to the five (5) year date noted in Paragraph 1(b) above, less any prior payments made pursuant to Paragraph 1(a) above.
  
2. That the property presently owned by Elkarpo, Ltd., *i.e.*, Section 20, Block 1, Lot 34.2 of the Tax Maps of the Town of Goshen shall have placed upon it a recorded deed restriction, in such form and with such proof of filing as is acceptable to the Town's special counsel in this matter, restricting such property to residential use only.

**BE IT FURTHER RESOLVED**, that Supervisor Bloomfield is hereby authorized to sign all necessary Orders, Findings, and any other papers necessary to effectuate the stated intentions of this Resolution in accordance with Article 17 of New York General Municipal.

*Vote: This Resolution carried by a vote of 4 ayes to 1 nay.*

**Roll Call Vote:**

Councilman Cappella	In Favor
Councilman Newbold	In Favor
Supervisor Bloomfield	In Favor
Councilman Lyons	Against
Councilman Canterino	In Favor

Councilman Cappella made the motion, seconded by Councilman Newbold to adopt the Municipal Annexation Findings and Order.

TOWN OF GOSHEN,  
COUNTY OF ORANGE, STATE OF NEW YORK

-----X  
*In the Matter of the Application of*

ELKARPO, LTD, GARY A. RANDALL, and  
KATHERINE RANDALL,  
Petitioners,

MUNICIPAL  
ANNEXATION  
FINDINGS AND  
ORDER

*For Permission Pursuant to Article 17 of New York General  
Municipal Law to have certain of its land in the Town of Goshen,  
New York, more particularly described as Section 20, Block 1,  
Lots 34.2 and 35 of the Tax Maps of the Town of Goshen,  
annexed into the Village of Florida, New York.*

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**WHEREAS**, a certain petition was filed with the Town of Goshen by Elkarpo, Ltd., Gary A. Randall, and Katherine Randall, dated on or about October 18, 2005, (hereinafter the "Petition")(annexed hereto as Exhibit "A") requesting, pursuant to Article 17 of New York General Municipal Law, that the Town of Goshen, New York assent to the annexation into the Village of Florida, New York, of certain property situated in the Town of Goshen, and owned by Elkarpo, Ltd., Gary A. Randall, and Katherine Randall, 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, Lots 34.2 and 35 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 (annexed hereto as Exhibit "B") and conducted a joint public meeting on January 12, 2006, at 7:30 p.m. at the Town Hall of the Town of Goshen to hear testimony and

receive evidence concerning such annexation (the minutes of which are annexed hereto as Exhibit "C"); and

**WHEREAS**, the Town Board of the Town of Goshen has reviewed all materials submitted to it by the Petitioners, 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 the over-all public interest, and

**NOW, THEREFORE, THE TOWN OF GOSHEN HEREBY FINDS** that the Petition complies with New York General Municipal Article 17 requirements, and

**THE TOWN OF GOSHEN FURTHER FINDS** that the annexation is in the over-all public interest, upon the compliance with the conditions of the Resolution of the Town of Goshen (annexed hereto as Exhibit "D"), as (1) the Town of Goshen Zoning Code and the Village of Florida Zoning Code both permit the proposed planned adult community project to proceed, or other residential project substituted therefor, (2) the Florida School District will not be impacted by the proposed adult community, and any impacts by a residential project other than an adult community will not be more with the proposed annexation than without the proposed annexation, as the Florida School District has jurisdiction over the subject property in either event, (3) the Fire District coverage will remain the same for the noted properties with the annexation or without it, and (4) the resulting tax revenue loss to the Town of Goshen has been mitigated by the cessation of certain services to the properties involved and the voluntary payments by Elkarpo, Ltd. and/or its successors and assigns to the Town of Goshen as set forth in the said Resolution of the Town of Goshen, and

**THE TOWN OF GOSHEN THEREFORE MAKES THE FOLLOWING ORDER:** Based upon the Findings set forth above, and as previously set forth in the annexed Resolution passed by the Town of Goshen on March 9, 2006, the Town of Goshen hereby **ORDERS** that the **PETITION** of Elkarpo, Ltd., Gary A. Randall, and Katherine Randall, requesting that the Village of Florida annex certain lands located in the Town of Goshen as identified above, **IS APPROVED**.

**THE TOWN OF GOSHEN FURTHER ORDERS** that a copy of this "Findings and Order" shall be filed with (1) the Clerk of the Town of Goshen, and (2) the Clerk of the Village of Florida.

Dated: March 9, 2006

TOWN OF GOSHEN

By: \_\_\_\_\_  
Douglas Bloomfield, Supervisor

**Roll Call Vote:**

Councilman Cappella	In Favor
Councilman Newbold	In Favor
Supervisor Bloomfield	In Favor
Councilman Lyons	Against
Councilman Canterino	In Favor

**F. NEW BUSINESS**

1. Scotchtown Park Water District  
Negative Declaration

Supervisor Bloomfield stated that a Public Hearing was held. The Board explained what they could offer to the residents. Mr. Cappello explained the legal steps that need to take place now. The Public Hearing has been held and reports prepared. The TB now needs to adopt a resolution and notice under SEQRA that there are no adverse impacts. A short form EAF has been prepared. The intent to form the district has been prepared and a public notice will be published announcing the creation of the district subject to a permissive referendum. If no petition objecting is received within 30 days, then the TB can issue a formal adoption. The TB will then have to petition the PSC.

VOTE By Proper MOTION, made by Councilman Cappella, seconded by Councilman Lyons, the Town Board of the Town of Goshen hereby adopts the following Negative Declaration under NY SEQRA.

Discussion: Councilman Cappella explained that several years ago Stone Hedge was in a similar situation. The Town Board, at that time, took over and formed a water district. This move on the TB's part gave "peace of mind" to the members of that community.

**TOWN OF GOSHEN  
Resolution and Notice of Adoption  
of SEQR Negative Declaration  
Determination of Non-Significance  
Scotchtown Park Water District**

WHEREAS, the Town of Goshen Town Board has determined that it is necessary to assume

management and ownership of the existing Scotchtown Park water system; and

**WHEREAS**, a map, plan and report have been prepared and filed by the Town’s Engineer;  
and

**WHEREAS**, the Town Board has examined the EAF and the report of the engineers disclosing that the change of ownership of the water system will lead to planned updates to the system and improvement of water quality;

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Goshen Town Board has considered the proposed action as described in its application and EAF in accordance with the procedures and criteria set forth in 6 NYCRR 617.7, and determines that there will be no significant adverse impacts to the environment by the change of ownership of the water system and the establishment of a new water district to manage the improvements; and

**BE IT FURTHER RESOLVED**, that this Notice of Adoption of the SEQR Declaration, Determination of Non-Significance is made for purposes of Article 8 of the Environmental Conservation Law and declares as follows:

Title of Action:                Scotchtown Park Water District formation and conveyance to District

Description of Action:        Creation of new water district and conveyance of existing water system by the private owner to the new district

Location:                        Scotchtown Park development

Contact Person:                Hon. Doug Bloomfield, Supervisor  
Town of Goshen  
41 Webster Avenue, P.O. Box 217  
Goshen, New York 10924

**AND IT IS FURTHER RESOLVED** that this Resolution of Determination of Nonsignificance be deemed Notice of Adoption of SEQR Negative Declaration and Determination of Non-significance and shall be filed in accordance with Part 617.12 of the SEQR Regulations on a vote of 5 ayes and 0 nay. The Supervisor declared the resolution was adopted.

Dated: March 9, 2006  
Filed in the Town Clerk’s Office: March 9, 2006

**UPON ROLL CALL VOTE:**

Councilman Cappella	In Favor
Councilman Newbold	In Favor
Supervisor Bloomfield	In Favor
Councilman Lyons	In Favor
Councilman Canterino	In Favor

**VOTE** Upon Proper MOTION, made by Councilman Canterino, seconded by Councilman Lyons, the Town Board of the Town of Goshen hereby adopts the Resolution Approving Establishment of the Scotchtown Park Water District.

At a meeting of the Town Board of the Town of Goshen, Orange County, New York, held at said Town Hall on the 9th day of March, 2006.

P R E S E N T:

Douglas Bloomfield, Supervisor  
Kenneth Newbold, Councilperson  
George Lyons, Councilperson  
Phillip Canterino, Councilperson  
Louis Cappella, Councilperson

<p>In the Matter</p> <p>Of</p> <p>The Establishment of a Water District to be known as the <b>“Scotchtown Park Water District”</b> in the Town of Goshen, Orange County, New York, pursuant to Article 12-A of the Town Law.</p>	<p><b>RESOLUTION APPROVING ESTABLISHMENT</b></p>
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**WHEREAS**, a map, plan and report has been prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Goshen, relating to the establishment of a proposed water district in said Town; and

**WHEREAS**, such map, plan and report have been duly filed in the Town Clerk’s Office in said Town; and

**WHEREAS**, said map and plan and report were prepared by Dufresne - Henry Engineers and Landscape Architects, P.C., a competent engineering firm duly licensed by the State of New York, describing the boundaries of the proposed district and a general plan of the said system including a report on the extent of improvements necessary; and

**WHEREAS**, the boundaries of said district as shown on a map entitled “Proposed Scotchtown Park Water District,” Town of Goshen, which is annexed hereto as Schedule “A” and contained in the map, plan and report on Figure 1 in Section 3.

**See attached Schedule A**

**WHEREAS**, an order was duly adopted by the Town Board of the Town of Goshen, on February 9, 2006, reciting the filing of said map, plan and report, the fact that the map, plan and report describing the same are on file in the Town Clerk's office for public inspection, and stating all other matters required by law to be stated, and specifying February 23, 2006, at 7:30 P.M. on that day, as the time and the Town Hall located at 41 Webster Avenue, Goshen, New York, as the place where the said Town Board would meet to consider said map, plan and report, and to hear all persons interested in the subject thereof concerning the same, and to take such action thereon as is required or authorized by law; and

**WHEREAS**, such order was duly published and posted as required by law; and

**WHEREAS**, a hearing on said matter was duly held by said Town Board on February 23, 2006, at 7:30 P.M. of that day, at the Town Hall located at 41 Webster Avenue, Town of Goshen, and full discussion of the matter having been duly heard, and after due consideration;

**WHEREAS**, permission of the State Comptroller to create such district is not required since the cost of acquisition is not to be financed by bonds, notes or other evidence of indebtedness;

**NOW**, upon the evidence given upon such hearing, and upon motion of Councilman Canterino, seconded by Councilman Lyons, it is

**RESOLVED, AND DETERMINED:**

Based on the map, plan and report, the Environmental Assessment Form, reviewed by this Board, and the recommendations of the Town's engineering consultant, this Board determines that this action will not have a significant impact on the environment.

**FURTHER RESOLVED AND DETERMINED:**

- (a) That the notice of hearing was published and posted as required by law and is otherwise sufficient.

- (b) That all property and property owners, within the proposed district, are benefited thereby.
- (c) That all the property and property owners benefited are included within the limits of the proposed district.
- (d) That it is in the public interest to create said Scotchtown Park Water District; and it is

**FURTHER RESOLVED AND DETERMINED**, that the establishment of the Scotchtown Park Water District, as set forth in said map, plan and report be approved; and such district shall be bounded and described as in Schedule A.

**FURTHER RESOLVED AND DETERMINED**, that this Resolution is subject to a permissive referendum as provided in Article 12-a of the Town Law, and the Town Clerk is hereby directed and authorized to publish and post notice thereof.

The adoption of the foregoing was duly put to a vote and upon roll call, the vote was as follows:

	<u>AYES</u>	<u>NAYS</u>
Douglas Bloomfield, Supervisor	Aye	
Kenneth Newbold, Councilperson	Aye	
George Lyons, Councilperson	Aye	
Phillip Canterino, Councilperson	Aye	
Louis Cappella, Councilperson	Aye	

The Resolution was thereupon declared duly adopted.

Dated: March 9 2006

Councilman Newbold thanked the Supervisor and K Environmental for pulling the facts and meetings together. This did not happen overnight. It took a great deal of effort on their part. Councilman Canterino noted that he was on the TB when the Stone Hedge District was formed and is proud to be in a position to help this community also.

3. Healy & Kriney Easement

Mr. Cappello explained that in 2002 the TB was approached by the residents of Stone Hedge to provide access to the water tower. In order to do so, they needed to relocate an easement on the adjoining properties. Those property owners agreed to this new easement with the understanding that once the work was done, the old easement would be abandoned. This resolution authorizes the Supervisor to sign a termination of that easement.

Councilman Newbold made the motion, seconded by Councilman Cappella to authorize the Supervisor to terminate the easement as follows:

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

**RESOLUTION  
AUTHORIZING SUPERVISOR TO  
EXECUTE TERMINATION OF EASEMENT**

Introduced by: Councilman Newbold  
Seconded by: Councilman Cappella  
Date of Adoption: March 9, 2006

**WHEREAS**, the Town of Goshen entered into an Agreement dated November 18, 2002, with Norman Kriney, Jr. and Margaret Kriney which provided the Town with the necessary easements to relocate an existing water line and constructed a new access road to the Stonehedge Water District water tower; and

**WHEREAS**, said Agreement provided that once the new water line was relocated and placed in service by prior easement over the older water line would no longer be necessary and would be abandoned; and

**WHEREAS**, said new water pipe line has been constructed and serviced initiated within said new easement area; and

**WHEREAS**, the prior easement is no longer necessary.

**NOW THEREFORE BE IT RESOLVED** that the Town of Goshen Town Board hereby authorizes the Supervisor to execute the termination of easement over the old easement area, pursuant to said November 18, 2002, Agreement in the form provided herein.

**BE IT FURTHER RESOLVED** that the cost of recording said termination of easement will be the responsibility of the property owners.

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

4. Finance Department Requests  
W. Standish to Attend Conference

The Supervisor explained that the Budget Officer needs to obtain a certain number of continuing education credits and has requested permission to attend the GFOA Conference in April.

Councilman Cappella made the motion, seconded by Councilman Canterino to authorize William Standish, Budget Officer to attend the GFOA Conference in Albany, NY on April 6 & 7.

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

***RESOLUTION***  
***AUTHORIZING BUDGET OFFICER***  
***TO ATTEND CLE PROGRAM***

Introduced by: Councilman Cappella  
Seconded by: Councilman Canterino  
Date of Adoption: March 9, 2006

***WHEREAS***, the Budget Officer, William Standish, has made a request to attend the GFOA Annual Conference & Training, which will cover governmental accounting, finance, budgeting and benefits on Thursday, April 6, 2006 and Friday, April 7, 2006 in Albany, New York, at a cost of \$289.00 for the seminar, lodging and meals.

***WHEREAS***, the Town Board has determined that it is in the best interest to authorize said attendance said conference.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes the Budget Officer, William Standish, to attend the GFOA Annual Conference & Training to be held on Thursday, April 6, 2006 and Friday, April 7, 2006, in an amount not to exceed \$289.00.

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

5. Highway Department Request for Additional  
Funds for Water & Sewer Dept.

Supervisor Bloomfield explained that at the last meeting the Board approved the Highway to purchase certain additional equipment for the Water & Sewer Department. When they received the single-axle trailer they found it was too small for their needs. They now need a dual-axle trailer at a cost of \$2,232.50.

Councilman Newbold made the motion, seconded by Councilman Cappella authorizing the Highway Dept. to purchase a utility trailer with gate.

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

**RESOLUTION  
AUTHORIZING PURCHASE OF  
UTILITY TRAILER WITH GATE**

Introduced by: Councilman Newbold  
Seconded by: Councilman Cappella  
Date of Adoption: March 9, 2006

**WHEREAS**, at its February 9, 2006, meeting, the Town Board authorized the Highway Superintendent to purchase a Utility Trailer with gates, tires and ball couplers at a cost not to exceed \$1,461.00; and

**WHEREAS**, after further review, it has been determined that this utility trailer was not properly sized for the needs of the Highway Department; and

**WHEREAS**, the Highway Department has located an appropriate sized trailer, off state bid, at a total cost of \$2,232.50; and

**WHEREAS**, the Town Board has determined that it is in the best interest for the Highway Department to purchase this appropriately sized trailer.

**NOW THEREFORE BE IT RESOLVED** that the Highway Department is authorized to purchase a 77" x 16' tandem axle landscape trailer at a cost not to exceed \$2,232.50.

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

**G. FINANCE**

VOTE By Proper MOTION, made by Supervisor Bloomfield, seconded by Councilman Cappella the Town Board hereby authorizes the Supervisor to pay voucher 2006-0253 to voucher 2006-0360 amounting to \$288,562.05.

**H. PRIVILEGE OF THE FLOOR**

Sullivan Property on Jessup Switch Rd.

Several residents of Jessup Switch Rd. are here to discuss the progress on the issue of excessive rubbish on the Sullivan property. Ms. Marina Kerstanski, 65 Jessup Switch Rd. spoke of an ongoing problem on her road. The owner of the property across the street has been storing garbage within 25' of her front door. This has been ongoing for the last 2-3 years and is now in Court. The owner of the property, K. Sullivan, has been ordered to appear in court and he has failed to do so. She asks why the Town can do nothing about this situation. She also asked what will be done about the fact that their road is in great disrepair.

Supervisor Bloomfield explained to the residents that he can only speak to the events since April 2005 as that was when it first came to his attention. At that time, Mr. Sullivan was asked to clean up the area. He was asked again in May and June. Then a notice of violation was issued. There were Court hearings scheduled in Oct. Nov. & Dec. Mr. Sullivan did not appear at any of them. The Court directed Mr. Sullivan on what he should be doing. In February another hearing was scheduled and again Mr. Sullivan did not appear. A default judgement was issued. Currently the Town needs to determine the amount of the fines. This figure will be in excess of the legal fees and other fees that the Town has expended. The Town is now in the process of submitting to the Supreme Court.

The Supervisor noted that justice moves slowly and this will take time. The Town is actively pursuing the matter and it will be resolved but he does not know when. Mr. Cappello explained that he is not the attorney for this case, but another member of his firm is, and he will bring the information from this meeting to that attorney. He stated that when someone does not respond, they have to be given an opportunity and if they continue to ignore the situation, the level of punishment rises. The Supervisor emphasized that the legal process protects everyone. The Supreme Court will allow an injunctive relief, but the Town is hoping the owner will respond and clean up his property. The Town has no authority to go in and do the clean up.

Mr. Frank Pikul, asked why this has taken so long. The Supervisor stated he could only speak to events since Apr. 05 and he apologizes for the lack of response prior to that date. Mr. Kiersten, 73 Jessup Switch Rd., explained that he has been in touch with Mr. Halloran and has documented every time he has contacted the Town (copy of chrono list in file). He is very disappointed in the Town. He asked how long it would take to receive a judgement from the Supreme Court. Mr. Cappello stated that they will do what they can to expedite the situation, but it will take at least 30-60 days.

Mrs. Patricia Kiersten asked what more the neighbors can do to help the court case. Mr. Sullivan brings more stuff in frequently. Would it help to have

pictures and/or videos? Mr. Cappello asked for names and numbers of the residents so they can be contacted if necessary.

In regard to the condition of Jessup Switch Rd., Mr. Kiersten stated that it is now down to one lane. There have been no improvements in several years. Councilman Cappella and Supervisor Bloomfield will review the situation. Councilman Newbold noted that Legislator Pahucki is aware of the litigation between the Town and Mr. Sullivan and he will lend what support he can.

Mr. Pikul also asked what he could do about the blockage of the lane he uses to get to his fields. He has an easement to use this lane and Mr. Sullivan is putting "junk" in the area to the point where it is starting to block the r.o.w. The Supervisor explained that the Town can not do anything about this arrangement. It is a private agreement between the two individuals. Mr. Cappello noted that if cleaning up the easement area is part of addressing the zoning violation then Mr. Pikul could see some relief. However, it is a private agreement and it may be necessary to obtain an attorney to address the blockage of the r.o.w.

Supervisor Bloomfield stated that the Board does understand the concerns and apologizes for the past. Councilman Canterino asked Mr. Cappello if they can petition the court on grounds of public health and safety. Mr. Cappello replied that they can and he will follow-up on this aspect.

#### Scotchtown Park

Mr. James Felczak, Ruby Lane, thanked the Board for stepping in when they had the water emergency situation and for working to form the new water district.

Mr. Petraglia asked if any consideration could be given to other residents in the area, but outside the Scotchtown Park Water District. The Supervisor explained that this water belongs to the residents of Scotchtown Park, not to the Town. The Town is only managing the District. The residents own and pay for the water. Mr. Petraglia asked if another resident or developer could petition the district for water. Supervisor Bloomfield responded that the people who own it have the right to make that decision. Mr. Cappello stated that this is theoretically possible, but it is unlikely and the residents would have to agree.

#### Annexation

Mr. Petraglia asked why the one member of the TB expressed concerns regarding the annexation. He feels that it would be a good thing to have communities begin to consolidate. Councilman Lyons responded that he is concerned that the Town is "losing a piece of the rock." He understands that consolidation is more

efficient. However, this is a commercial zone and we all need ratables, so he does not want to miss out on that opportunity. He feels that this could lead to the possibility of further annexation.

Mr. Petraglia noted that he got the impression that the Town had to go along with this. Councilman Canterino explained that they could reject (the Town did reject it last year), however that could lead to legal proceedings and the members do not wish to spend any more of the citizens money on legal fees.

**I. ADJOURNMENT**

By Proper MOTION, made by Councilman Cappello, seconded by Councilman Newbold, the Town Board entered into Executive Session at 8:50 pm to discuss personnel history of a particular individual and potential litigation with no intent to return.

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Linda P. Doolittle  
Deputy Town Clerk