

The Regular Meeting of the Town Board of the Town of Goshen was held on the 11<sup>th</sup> day of May, 2006 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:

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

Also Present: Donald G. Nichol, Town Attorney

#### **A. CALL TO ORDER**

Supervisor Bloomfield opened the meeting at 7:30 p.m. with the Pledge of Allegiance.

**B. AMENDMENT TO THE AGENDA:** None

**C. PRIVILEGE OF THE FLOOR (agenda Items only):** No comments

#### **D. OLD BUSINESS**

##### **1. FINANCE RESOLUTION FOR HAMBLETONIAN PARK**

BOND RESOLUTION OF THE TOWN OF GOSHEN, ADOPTED MAY 11, 2006 APPROPRIATING \$600,000.00 FOR THE IMPROVEMENT OF FACILITIES OF HAMBLETONIAN PARK WATER DISTRICT NO. 1 IN SAID TOWN AND AUTHORIZING THE ISSUANCE OF \$600,000.00, SERIAL BONDS TO FINANCE SAID APPROPRIATION

#### **Recital**

WHEREAS, following preparation of a plan and report for reconstruction and improvement of facilities of Hambletonian Park Water District Nol 1 (hereinafter called "District"), in the Town of Goshen (herein called "Town"), in the County of Orange, New York, consisting of the installation of replacement water mains, equipment, apparatus and materials, and after a public hearing duly called and held, the Town Board determined that it is in the public interest to so improve the facilities of the District, and ordered that such facilities be so improved; 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 hereby appropriates the amount of \$600,000.00 for the improvement of facilities of the District, all in accordance with the plan and estimate prepared by duly licensed engineers of the State of New York, on file in the office of the Town Clerk and hereby approved. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$600,000.00 and the plan of financing includes the issuance of \$600,000.00 serial bonds of the Town and the Assessment, levy and collection of special assessments upon the several lots and parcels of land in the District to pay the principal of said bonds and the interest thereon so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same and the establishment and collection of water rents, pursuant to the Town Law, to pay the principal of an interest on said bonds and the costs of operation, maintenance and report.

Section 2. Serial bonds of the Town are hereby authorized to be issued in the principal amount of \$600,000.00 pursuant to the provisions of the Local Finance Law, constituting 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 11.00a1 of the Law, is forty (40) years.
- b) The proposed maturity of the bonds authorized by this resolution will 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 Regulation 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 notes issued in anticipation of said bonds, and provisions shall be made annually in the budget of the Town by appropriation for (a) 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 of 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

- (c) and 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 an 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."

Councilman Cappella offered the following resolution and moved its adoption:

**RESOLVED BY THE TOWN BOARD OF THE TOWN OF GOSHEN IN THE COUNTY OF ORANGE, NEW YORK, AS FOLLOWS:**

Section 1. The Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the INDEPENDENT REPUBLICAN, a newspaper published in Goshen, New York, the official newspaper of said Town and having a general circulation therein, together with Notice attached in substantially the form, as prescribed by Sec. 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

\* \* \* \* \*

The adoption of the foregoing resolution was seconded by Councilperson Newbold and duly put to a vote on roll call, which resulted as follows:

AYES [ 5 ]                      NAYES [ 0 ]

This resolution was declared unanimously adopted.

**2. RESOLUTION: AWARD TRAFFIC STUDY TO STANTEC**

Supervisor Bloomfield explained on February 14<sup>th</sup> of this year the Town Board met with the Town Planners and Engineers and discussed their concerns regarding traffic mitigation as the Town builds out. Since then everyone has been working behind the scenes on this and it was decided a town-wide traffic study is needed. This resolution is to authorize Stantec to do this study.

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

**RESOLUTION  
AUTHORIZING STANTEC CONSULTING SERVICES  
TO CONDUCT A TOWN-WIDE TRANSPORTATION STUDY**

Introduced by: Councilman Philip Canterino  
Seconded by: Councilman George Lyons  
Date of Adoption: May 11, 2006

**WHEREAS**, since the adoption of its new Zoning Code in July of 2005, the Town of Goshen Planning Board has received a number of land use applications for developments throughout the Town. The traffic studies submitted in support of these projects identify that certain intersections within the Town are either already operating or will soon be operating at an unacceptable level of service; and

**WHEREAS**, based upon this information and the need to examine this matter on a global rather than project-by-project basis, the Town Board requested proposals to conduct a town-wide traffic study to determine the current and projected levels of service for several important intersections within the Town and Village of Goshen; and

**WHEREAS**, this traffic study is intended to provide additional information to supplement the Town's Comprehensive Plan and assist the Town Board in making appropriate determinations as it relates to the need to adjust and modify its Zoning Code, zoning district lines and require other appropriate mitigation to insure the road leading to and from , and within the Town operate at a safe and acceptable level of service; and

**WHEREAS**, the Town has reviewed the proposal from Stantec Consulting Services, Inc., the Town's Engineering Consultants; and

**WHEREAS**, the Town Board has determined that it is in the best interest of the Town to engage Stantec Consulting Services, Inc. to conduct a town-wide traffic study pursuant to the guidelines and criteria set forth in the proposal from Stantec to the Town of Goshen dated April 24, 2006, and attached to this resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby authorizes Supervisor Bloomfield to execute the necessary documents with Stantec to effectuate this agreement, subject to attorney's review.

**BE IT FURTHER RESOLVED** that the Town Board accepting an authorization this study is based upon Stantec's representation that the study can be completed as outlined within six (6) to seven (7) months.

Upon Roll Call Vote:

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

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

**E. NEW BUSINESS**

**1. RESOLUTION: AUTHORIZE TOWN CLERK TO PUT POLICE CARS OUT TO BID FOR SALVAGE**

Councilman Lyons explained two of the police vehicles are coming off the road and the Town Clerk will put them out to bid for salvage, as neither will currently pass inspection and have many, many miles on them.

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

**RESOLUTION**

Introduced by: Supervisor Douglas Bloomfield

Seconded by: Councilman George Lyons

Date of Adoption: May 11, 2006

**WHEREAS**, the Town Board has been advised by Police Chief Marsh that police vehicles numbers 273 and 277 are no longer in a condition to be functional as police vehicles; and

**WHEREAS**, the Town Board has further determined that due to the condition of the vehicles, there is no other appropriate Town use for such vehicles; and

**WHEREAS**, the Town Board therefore determines that it is in the best interest of the Town that these vehicles be declared as surplus vehicles and offered for sale.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby determines that police vehicles numbers 273 and 277 surplus vehicles and authorizes the Town Clerk to advertise such vehicles for sale for the highest offer.

Upon Roll Call Vote:

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

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

## 2. TEMPORARY FIVE TON WEIGHT LIMIT FOR COLEMAN ROAD

Supervisor Bloomfield explained Coleman Road has a culvert that goes under it. The culvert is in very bad condition and need of repair. Trucks loaded with shale, etc. from a construction site are traveling it and the Highway Superintendent is afraid of the culvert collapsing. Therefore, he is asking for a weight limit to be put on the road until the repairs to the culvert are complete.

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

#### **ORDER CLOSING COLEMAN ROAD TO VEHICLES WEIGHING IN EXCESS OF 5 TONS**

**WHEREAS**, the culvert pipe located on Coleman Road, a Town of Goshen town road has deteriorated to an extent as to cause dangerous conditions for vehicles traveling on said road; and

**WHEREAS**, the provisions of New York State Town Law providing the duty to the Town Superintendent of Highways to maintain all Town highways and during any construction or improvement of a Town highway to take necessary measures to keep roads safe to the traveling public; and

**WHEREAS**, until such time as the culvert which has been ordered is installed, it will be necessary to close Coleman Road to all vehicles weighing in excess of 5 tons; and

**WHEREAS**, normal traffic will resume once the scheduled repairs have been completed.

**BE IT HEREBY ORDERED** that Coleman Road is hereby closed to all vehicles weighing in excess of 5 tons until such time as the culvert that has been ordered and work scheduled to install it has been completed.

Dated: May 11, 2006

BY ORDER OF STEPHEN P. ANDRYSHAK  
HIGHWAY SUPERINTENDENT

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

**RESOLUTION**

**JOINING IN HIGHWAY SUPERINTENDENT'S ORDER  
TO TEMPORARILY CLOSE COLEMAN ROAD TO  
VEHICLES WEIGHING OVER 5 TONS**

Introduced by: Councilman Louis Cappella  
Seconded by: Councilman Philip Canterino  
Date of Adoption: May 11, 2006

**WHEREAS**, the Town Highway Superintendent, Stephen Andryshak has provided us with a proposed order closing Coleman Road to vehicles weighing over 5 tons until such times as the new culvert pipe to replace the old deteriorated pipe is received and work scheduled to install it is completed; and

**WHEREAS**, the Town Board hereby concurs with the Highway Superintendent's conclusion and joins in the order closing Coleman Road to vehicles weighing in excess of 5 tons pending installation of the new culvert pipe.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby concurs, and authorizes to any extent necessary, Town Highway Superintendent Andryshak's order closing Coleman Road to traffic in excess of 5 tons until such time as the new culvert pipe is received and installed.

Upon Roll Call Vote:

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

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

### 3. GERRICK ASSOCIATES – SET PUBLIC HEARING

Supervisor Bloomfield explained this is a request for a special request permit to authorize the building of an airport for agricultural use, primarily crop dusting, on Celery Avenue. The prior airstrip that was used was sold, therefore another is needed. Supervisor Bloomfield made a Motion to set a Public Hearing for May 25<sup>th</sup> at 7:30 p.m. The Motion was seconded by Councilman Lyons. Supervisor Bloomfield asked for discussion. Councilman Canterino said he was concerned as there has to be a subdivision for this to happen. He said this subdivision is before the Planning Board and he did not know if this would be completed by May 25<sup>th</sup>. Supervisor Bloomfield said he had been assured it would be done by May 25<sup>th</sup>. Councilman Canterino said he could not see how a Public Hearing could be set when the subdivision has not been approved and the Board does not know who will be the owners of the air strip. It was discussed that a Public Hearing could be held and then canceled or a Public Hearing can be left open until all information is obtained that is needed. Attorney Nichol stated you could hold a Public Hearing on location, it can be set on the property and its use. The Board will know who is proposing it and with permission of the current owner you can proceed through the process. No permits will be issued until the process is finished. Supervisor Bloomfield called the vote on the Motion. Motion carried 5 to 0.

### F. FINANCE

Councilman Canterino made a Motion to authorize the Supervisor to pay Voucher #2006-0984 amounting to \$122,267.96. The Motion was seconded by Councilman Cappella. Motion carried 5 to 0.

### G. PRIVILEGE OF THE FLOOR

Jeff Droutman asked about the police cars going out to bid and asked if it would be possible just to buy one. Attorney Nichol explained the bid process and said he would be free to bid on them.

He also said he was at the last meeting and he said the Supervisor said he would meet with Mr. Droutman and the Building Inspector about the requests he has been asked to do on his property on 17M. He said the Supervisor had not called him. Supervisor Bloomfield replied he had talked to the Town Attorney and was told this should be left in the hands of the Building Inspector. He said he is being singled out and has asked to see the site plans of the other businesses and filed a foil to obtain it and has had no response.

The attorney replied there might be some copyright issues with the plans of some of the businesses and he may not be able to get a full copy of the site plan, but you certainly can set up an appointment to view them. Supervisor Bloomfield asked for Mr. Droutman's telephone number and assured him he would have the Building Inspector call him and make arrangements for him to come in and address his Freedom of Information form.

Councilman Cappella said he would like to call attention to an article in the Times Herald Record reporting the sales tax on gasoline will be capped the beginning of June. He said Goshen was one of the few municipalities that wrote a letter back in November asking the State of New York and the County of Orange to do something about the sales tax with the price of gas so high. He said it may not be much, but everything helps.

Leslie Cosgrove asked how long it would take to complete the traffic study? Supervisor Bloomfield replied the whole study would probably take six months. She asked, during that time, what will happen to developments before the Planning Board? Supervisor Bloomfield said a letter was sent to applicants basically saying the Town is doing the traffic study and they will have to proceed at their own risk. Ms. Cosgrove asked who would interpret it? Supervisor Bloomfield replied the company doing the study. She asked if it would be released to the public? Supervisor Bloomfield said there will be a lot of study done on the report when it is submitted and probably a Public Hearing will be held to obtain the public's feeling and ideas. It definitely will be available to the public.

Carl Behrent asked in the study would include the Village and if they would contribute to the cost. Supervisor Bloomfield replied the Village would be included in the study, but the Town would be paying for it as the Town is requesting it and the Town has no control of the Village build out. Councilman Cappella stated the people doing the traffic study will be made aware of any developments before the Village Planning Board so that these can be included in the study and be taken into consideration.

Debbie Corr asked what is happening with the PDR farms? She said she had heard that the Board wanted the farmers to kick in 10%. Supervisor Bloomfield replied that was in negotiation and he could not discuss it. He explained offers had been given to two farmers and the ball is now in their court. He said there was another round in May and the Board had two more ready to go, but the Board decided not to go with them until the five year budget plan is finished and the Board knows what kind of financial condition the Town is in. Ms. Corr said "six months is too long, we already went ahead and voted for five million dollars, approving the town to borrow this money". She said she felt there was no need to wait for a budget. She said the Town is so far behind other towns, such as Warwick and the Board should go ahead and get these farms PDRed. She said we are losing the farms right and left and there will not be anything left. Ms. Corr said if you are concerned about traffic, she said "if I can keep one farm with a hundred acres, as

one farm with one family on it, instead of having a hundred homes or sixty homes on it, it is a no brainer.” She said what are you going to do?

Councilman Canterino said the application process comes around twice a year, there are a number of farms that have to be offered so we can negotiate with them. He said this is a county wide thing and the County is supposed to give 50%. He said this is not a six month project and there is a lot of land at this particular point. Councilman Canterino stated it has to make financial sense. He said he would like to move into a much bigger house, with a whole lot more open space, but it is a matter of affordability and what services you may have to give up to do it. He said we need to find out where we are financially, we have a lot of outstanding debt and a lot of outstanding commitments and a small pot of money to dole out. Councilman Canterino said we need to know what we can afford, we do not want to drive people out of this community.

Ms. Corr said not to say there are a lot of farms, she said we are down to about 700 open acres that are not up for development and this does not include the black dirt. Supervisor Bloomfield said this Board feels it has a responsibility to all the citizens in regard to finances. He said this town has been on a spending spree and we can't own everything at one time. Ms. Corr asked can't we have one farm? The Supervisor said we have offers on two farms and if the two farms come to fruition, it is going to cost the citizens of Goshen over one million dollars of debt. He said last year the tax levy for the Town was 19.3 %, if we add this million dollars it will mean even a higher tax levy. The Supervisor said what if the housing market slows and we don't get the money we plan on from the mortgage tax. This is one of our biggest incomes, if we do not receive what we expect this is a big part of revenue. When this happens it means higher taxes to the taxpayer. He said this is what this Board is accountable and responsible for. Supervisor Bloomfield said at this time the Board does not feel comfortable purchasing any additional PDR, perhaps six months from now things will look different.

Ms. Corr said she felt the Board was thinking in a very short term manner and in the long run you will lose a lot of these farms and it will cost the taxpayer much more money in the long run. She said “I do not believe you are acting in accordance to the referendum that was passed.”

Debbie Marone stated the first referendum for \$10 million dollars was voted down, but when the \$5 million dollar referendum was put up it passed, with many more votes as the voters felt it was more affordable. She said the problem is you are not spending money to spend money, but to save money. If you wait developers will come and offer the farmer much more than we can offer them to buy their development rights. Then the developer will develop the property and that will cost every taxpayer money. I appreciate your cutting back on a lot of things, but farms are not the place to cut back. These farms will put money in your pocket, that is why the public came out to vote for it. She said if

you are worried about negotiating, you can call the Orange County Land Trust and they will help you. Supervisor Bloomfield said the Board will handle that themselves. She asked if the Board had spoken with the representative of the Land Trust and Supervisor Bloomfield replied no, but he intends to do so.

Leslie Cosgrove asked if the Town had asked the Village to contribute to the cost of the traffic study. Supervisor Bloomfield replied no, but he had asked the County and the State officials asking them if they could chip in and that may come to pass.

Nick Petraglia said he agreed with Ms. Marone and Ms. Corr on the purchase of PDR properties, this was voted on by the public and this should be independent of the five year plan. He said he worked on this committee and we should be working now on obtaining other properties.

Mr. Petraglia stated there should be a very clear bid process when selling police cars or other vehicles owned by the Town, so if a taxpayer wanted to purchase it they could. Supervisor Bloomfield stated there is a definite bid process and this will be done here. Councilman Cappella and Supervisor Bloomfield explained the process.

Mr. Petraglia referred to Coleman Road and the weight limit saying he lives on Murray Avenue and trucks are constantly going by his home to get to Harness Estates. He said he approached the Village Board and would hope that the Town Police would be aware of it too. These trucks are supposed to be exiting on Route 207.

Jerry Boss said the over weight trucks need to be ticketed.

There was an extensive discussion about the traffic study and how it will be done. Councilman Canterino explained the County Traffic study that was done and how the developments that have been built since the study and the developments before the Planning Board now have created new problem areas not there when the County study was done.

Mary Lotze said she was there to clarify some issues that were addressed at Monday night's work session in regard to the Humane Society. She said she had no concerns as to the care of the animals that are at the shelter. She said, however her group would like to recommend continuing education as to shelter management and animal care for shelter personnel. She said the shelter and the Humane Society are two separate entities. She read a Resolution that was addressed to the Officers and Board of Director of the Humane Society. She also read a Membership Presentation to the Town Board. (see

file for Resolution and the Membership Presentation) She said the shelter should return to the no kill society it was supposed to be.

Supervisor Bloomfield stated, as he has before, the Town Board cannot operate the Humane Society. He said the Board has tried before and again invited the new president to come in and the Board explained it felt it was one of his jobs to bring all factions together. He said that is all the Board can do. He said, as Lincoln said, “a house divided against itself will fall” or it can’t be all that it can be. The Supervisor said it is sad to himself and this Board that they are continuing to read in the paper about an organization, the Board is financing, is having these constant conflicts and disagreements. He said if you can’t pull together some how, is there a higher governing body that could help? There was a discussion of a State Humane Society or Federal Humane governing organizations that might be willing to help or bringing in a mediator.

There was a group discussion about the various problems and Beverly Jappen said she has always donated to the Society, but this year she went over to the Warwick Society and gave them her donation and she said they were delighted to see her. Ms. Jappen said the Society has got to get together or she will not support them.

Supervisor Bloomfield said as long as the shelter is run correctly the Board will continue to support it, if this changes then the Board will address it.

Doris Bialas said she felt the Board was doing the right thing in regard to the Open Space program.

**ADJOURNMENT:** Supervisor Bloomfield made a Motion to go into Executive Session to discuss possible, pending litigation, with no intent to return. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

Time: 9:10

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Valma Eisma, Town Clerk

