

**TOWN OF GOSHEN**  
**Town Council Meeting**  
**May 24, 2007**  
**Minutes**

A regular meeting of the Town Council of the Town of Goshen was held on the 24<sup>th</sup> day May, 2007 at 6:00pm at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

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

Also Present:	Dennis Caplicki	Town Attorney
	Edwin Garling	Town Planner
	Susan Maysels	Deputy Town Clerk

**A. CALL TO ORDER**

The meeting was called to order at 6:10pm by Supervisor Bloomfield.

**B. CONTINUATION OF ZONING & CODING**

Edwin Garling AICP, the Town Planner, handed out a two-page memo dated May 24, 2007 and entitled "Comparison of Subdivisions based on Current and Prior Zoning." Mr. Garling summarized the history of Town Code reviews and modifications from 1948 to 2004. He then explained the difference in the number of lots allowed in three subdivisions, under the Zoning Code of 1973-2004 versus the Zoning Code of 2004-Present.

Mr. Garling explained that under the old Code (1973-2004), a Developer had to prepare a plan to demonstrate density based on lot configuration, terrain, wetlands, roads, safe access, etc. Under the new Code (2004-Present), no plan demonstrating density is required. If a Developer has 60 acres in RU-3, a simple calculation is done:  $60 / 3 = 20$  units. If half the 60 acres is wetlands, or unusable for other reasons, the Developer still gets 20 units. In addition, density bonuses are new in the 2004 Code.

Council discussed impact fees, which are used for various public capital improvements in areas of the west and southeast that are developing rapidly and densely. In Goshen, the only impact fee, which has been around for about forty years, is the fee in lieu of parkland, which will remain in the Code. Transfer of Development Rights (TDR) was then discussed. This is currently in the Code and is allowed for Workforce Housing. Mr. Garling explained that TDR can also be used for other programs such as sidewalks, intersection improvements, trails, etc, but each program would have to be spelled out in full detail with spec and plans, and an equitable calculation per unit or acre would have to be carefully figured. At present, the only such program is Open Space. To use funds to mitigate current and future traffic problems highlighted in the recent traffic study, the Town would have to have specific plans prepared

and work with the Village, County and State since their roads are involved. The level of development in Goshen is not great enough to expect developers to fund the millions of dollars needed to improve roads to the level recommended in the study. Supervisor Bloomfield informed Council that the State informed him that funds for traffic flow improvements were not available from them.

Workforce Housing aka Affordable Housing was discussed. Mr. Garling stated that the average family income in this area was \$76,000. Workforce Housing targets families with incomes ranging from 80% of the area average to 150% of the area average. This means that those with an annual income between \$61,000 and \$114,000 would be eligible, which is truly workforce, not low income housing. Goshen's Code requires 10% Workforce Housing in the HR zone. Council decided that the Workforce Housing mandates currently in the code should be reviewed with an eye towards expanding the criteria. The research and recommendations of the Affordable Housing Committee of a few years ago will be revisited.

The biggest problem in the current code according to Mr. Garling is the vagueness of density bonuses. The Planning Board can grant bonuses to a Developer if s/he provides something of significant benefit to the Town. If the Developer provides something fairly significant, does the Planning Board grant half the bonus, or one-third? There are no guidelines, so the Planning Board is left to make the determination without guidance from Council.

The consensus of Council is to eliminate density bonuses immediately. Attorney Caplicki will prepare the Local Law and Mr. Garling will prepare the EIS.

Councilmember Lyons was concerned that the elimination of all density bonuses could be a problem if infrastructure improvements are needed to benefit the Town. He thought that there was a need for some small amount of density bonus to bank funds for important future improvements. Attorney Caplicki noted that any money collected from a Developer in exchange for density bonuses could not be banked and used for any capital improvement – only improvements that are a direct benefit to the Developer's project.

Councilmember Canterino thought it made no sense to sell density to accumulate money for capital projects. Capital project can be funded the conventional way with bonds or taxes. With density the major problem it is, giving any increase for any reason is against what Council is trying to accomplish. Supervisor Bloomfield said that the traffic study makes it clear to him that no density should be given at any cost. It is better to increase taxes or bond projects than increase traffic congestion any more than what's in store for us.

The anticipated timeline is to introduce the Local Law eliminating density bonuses at the June 14<sup>th</sup> Council meeting and notify the Planning Board and OC Planning Dept. to begin their review. The Public Hearing would be July 12<sup>th</sup> or so (after County & Planning comments have been received), with adoption in August.

Councilmember Lyons made a motion to adjourn for five minutes before continuing with the regular Council Meeting. Seconded by Councilmember Newbold.

Motion passed: 5 AYES  
0 NAYS

CALL TO ORDER

The meeting was called to order again at 7:35pm by Supervisor Bloomfield, followed by the Pledge of Allegiance.

EXECUTIVE SESSION

Councilmember Cappella made a motion to go into Executive Session to discuss negotiations on purchasing development rights from the Myruski family on Route 17A at County Route 6 aka Brookfield Farm. Seconded by Councilmember Newbold.

Motion passed: 5 AYES  
0 NAYS

MEETING RECONVENED by Supervisor Bloomfield at 8:10pm.

C. AMENDMENT TO THE AGENDA

Supervisor Bloomfield added to NEW BUSINESS as item #1, the purchase of development rights (PDR) at Brookfield Farm on Route 17A, owned by the Myruski family.

D. PRIVILEGE OF THE FLOOR

Village Trustee Susan Bloom asked if the part-time police officer to be appointed tonight was filling a vacant position or was it a new position. Councilmember Lyons responded that he was filling a position vacated by a retiring officer.

E. OLD BUSINESS

Councilmember Cappella made a motion to approve the minutes of April 9, April 26 and May 10, 2007. Councilmember Newbold seconded the motion. Councilmember Lyons made the following corrections:

April 9 minutes – page 3, clarification on number of copy machines leased.

Page 15, typo correction.

April 26 minutes – page 5, text after adjournment should be moved before adjournment.

Page 7, typo “permit”.

May 10 minutes – page 8, typo

Motion passed: 5 AYES  
0 NAYS

F. NEW BUSINESS

1. Resolution: Town Council Authorizes the use of Town Funds for the Purchase of Development Rights to Restrict the Development of the Myruski Property Known as Brookfield Farm on Route 17A in the Amount of \$8,500 per Acre, for a Town Total of

\$437,965 (55% of the total price) Plus Associated Closing Costs, and Further Authorizes the Supervisor to Execute all Documents Necessary to Effectuate the Purchase.

Councilmember Cappella made the motion to adopt the Resolution. Motion was seconded by Councilmember Canterino. Attorney Rick Golden, who along with Councilmember Cappella negotiated the purchase for the Town, noted that the present value of the property per acre is \$12,500 if sold outright. Councilmember Lyons asked for the amount the County would be contributing to this purchase. Attorney Golden stated that the County would pay \$358,335 or 45% of the development rights purchase price.

This Resolution will be reported to the County, then the Town must execute the Purchase Agreement by June 8, 2007 under the County agreement in order for them to commit to the funding. The Purchase Agreement will refer to the Conservation Easement to be prepared and reviewed in detail by Council at a future date.

Motion passed:           5       AYES  
                                  0       NAYS

2. Resolution: Authorize Town Clerk to Advertise for Sale Excess and Obsolete Computer and Office Equipment Beginning May 30, 2007, with Bid Submission Deadline of June 12, 2007.

Councilmember Cappella made a motion to authorize the Town Clerk to advertise for bids for the equipment as stated. Councilmember Newbold seconded the motion. Supervisor Bloomfield announced that the list of equipment was available to the public from the Town Clerk's Office.

Motion passed:           5       AYES  
                                  0       NAYS

3. Resolution: Appoint Wayne Melton to Position of Part-Time Police Officer at the Starting Rate of \$17.50 per hour Without Benefits, with Anticipated Starting Date of June 1, 2007.

Councilmember Lyons noted that Mr. Melton was currently a police officer with the Town of Mount Hope and a City of New York firefighter. Mr. Milton has completed the necessary training and certifications, including New York Municipal Police Training Class in 2006. Chief Marsh by memorandum indicated that the background investigation on this candidate revealed that he possesses the necessary requirements, including favorable comments on his character and work ethic. Supervisor Bloomfield asked that Mr. Milton attend the next Council meeting his schedule allowed so that all Councilmember could meet him.

Councilmember Lyons made the motion to hire Mr. Milton as stated above. Councilmember Newbold seconded the motion.

Motion passed:           5       AYES  
                                  0       NAYS

4. Review of Community Septic System Proposed by Arden Consulting Engineers.

Supervisor Bloomfield explained that Arden Consulting Engineers proposed a new type of community septic system to Council at a previous worksession. Council had some questions on the system, so Supervisor Bloomfield subsequently met with Ron Gainer of Stantec, the Town's Engineer. Mr. Gainer said that technology exists to create individual septic systems on land that does not have adequate perk test results. Mr. Gainer was not sure if this technology was approved by Orange County Board of Health yet. In Sullivan County, around the lakes, new and expensive technology is used and it is up to the builder to install the systems. Supervisor Bloomfield suggested that Council inform Arden Consulting Engineers and the land owner that it is incumbent upon them to find out about these technologies rather than have the Town assume responsibility for a community septic system. Council was in agreement so Supervisor Bloomfield will direct the Town's Engineer to communicate this info to Arden Engineers.

G. REPORTS

Highway

- Councilmember Cappella reported that the spring bulk clean up was successful and tipping fees may be less than last year.
- Paving of four Hambletonian roads will start after school ends for the year.
- The Town received a \$10,000 grant from Ms. Rabbitt and \$40,000 from Mr. Larkin to purchase a new dump truck, and went out to bid for it. The bid period has ended and the truck has been ordered with delivery expected in a week or so.

Humane Society

- Councilmember Newbold reported that the Society did not meet this month.

Water & Sewer

- Councilmember Newbold reported that people were not happy with their water bills, but explained that the Council did the best they could and passed on the cost they had to.

Police Department

- Councilmember Lyons reported that the Town PD would be taking part in the national "Buckle It or Ticket" campaign. He encouraged everyone to buckle up for their own safety and to avoid being stopped and ticketed.
- A part-time Officer has been hired (earlier in this meeting).
- A very successful senior citizen breakfast was hosted by the department. Councilmember Lyons read a thank-you note received from Mrs. Kehoe regarding the breakfast.
- A thank you note from the Schiavos children, Griffin and Spenser, was also read. It expressed appreciation for all the small things the department does.
- He announced that the PD is now able to connect to the Orange County Multi-Agency Coordination System, which allows agencies to jointly fight and counteract disasters.

#### Joint Recreation & Parks Commission

- Councilmember Canterino reported that the JRC By-Laws have to be amended to include the Salesian property to their jurisdiction according to the insurance company. This will allow the Commission to carry the coverage on the property. Attorney Caplicki was asked to prepare the amendment.
- The JRC expressed concern that there was no delineation or barrier between the Library property and park property. Residents visiting the park could easily wander onto Library property where there were hazards. Supervisor Bloomfield said that he thought the Library was making plans to install a fence around their property.
- Councilmember Canterino reminded the audience that the JRC is soliciting volunteers for park clean up and various tasks. Audience member Keith Roddy offered his services.
- An e-mail from Little League was received thanking the Town for contributing the \$10,000 toward rebuilding all the dugouts at Craigville Park. The e-mail informed Council that due to site problems, dugouts had to be redesigned, resulting in an increase in Little League's contribution from \$5,000 to \$10,000. Councilmember Canterino wished to recognize Little League for "stepping up to the plate" on this project and seeing it through. The Girl Scouts contribution of \$500 was also recognized.
- There is a question about the JRC being able to conduct fundraising due to its connection to Municipalities. The Commission is very active and progressive and have plans for big fundraisers. Attorney Caplicki was asked to research this issue and render an opinion.
- The JRC will be purchasing a \$2800 walk-behind mower to get to areas around the trees at Salesian. They have been borrowing the Town's mower, but have funds in their budget to purchase one. It will be from the State Bid list.

#### Administration

- Supervisor Bloomfield reported that he met with Senator Larkin and asked for money to replace three culverts for \$113,000. One may be replaced by FEMA as a result of the last flood. Last year, the Senator gave the Town \$135,000 for one large culvert replacement on Colman Road. He's been very supportive.
- A June 5<sup>th</sup> meeting with FEMA is planned to present the documentation and photos of damage to Town-owned property. Reimbursement will be sought including legal fees to declare the emergency.
- Tax Grievance Day was held recently and the big Tax Certiorari cases in the courts are aggressively being worked on to resolve – Dana Distributors, Harness Estates, Al Turi Landfill. The hope is that they will all be resolved in a matter of days so that by budget preparation time, the Town will know its liabilities in this area.
- Over one-third of the Tax Certioraris that existed have been either dismissed or resolved since Joann Soules was hired as the Town's Assessor.

H. FINANCE: AUTHORIZE THE SUPERVISOR TO PAY VOUCHER #07-00108 TO VOUCHER #07-00236 AMOUNTING TO \$151,313.48.

Councilmember Canterino made a motion to pay Vouchers 07-00108 to 07-00236 totaling \$151,313.48. Councilmember Cappella seconded the motion. Councilmember Newbold

asked why the legal bills from Jacobowitz & Gubits were so old. Supervisor Bloomfield explained that many bills were pulled to be examined further by the Supervisor, then Councilmember Canterino for content and in some cases, Attorney Caplicki was asked to review them for reasonableness. This took some time.

Motion passed:           5       AYES  
                                  0       NAYS

#### I. PRIVILEGE OF THE FLOOR

Keith Roddy, resident, offered a solution to the problem with the Salesian fence spikes. He suggests cutting off just the tips, the top inch, resulting in blunt ends which would not impale anything. Supervisor Bloomfield asked Councilmember Canterino to find out if this solution would satisfy the insurance company.

Debra Corr, resident, asked if the Conservation Density Development concept, page 26 of the Comprehensive Plan would be affected by changes currently being considered. Attorney Caplicki stated that he did not believe so, but would check it. Ms. Corr believes that the original Comprehensive Plan Advisory Committee should be reconvened. She asked that Council insure there is a balance. If the Zoning Code is changed, Council has to go back and change the Comprehensive Plan. TDR is a key element, which must be kept. Acres can be banked for the future. It is an important tool, among others, in preserving open space. Many worked hard to include TDR in the Code. Regarding Salesian foundation problem, she suggested asking McBride for several loads of dirt, delivered and free of charge. It could be stored at Salesian and used to fill in the foundation if that was the desired solution. The dirt taken from the upper hill of the site was clean according to Ms. Corr, whereas the dirt from the lower area was contaminated.

Susan Bloom, resident and Village Trustee, stated that she would speak as a taxpayer, not an elected official. She believes that some way to pay down the Salesian debt must be found. Trustee Bloom asks that all remain open to the idea of using a small portion of the property for tax ratables that do not impact schools or traffic. Ms. Bloom asked if the Town of Goshen had a Code of Ethics that all employees signed, and if it addressed nepotism. Supervisor Bloomfield stated that the Town's Code of Ethics did not specifically address nepotism as far as he knew. Ms. Bloom asked if the part time hire in the Assessor's office was a civil service position, and was informed that it was not. She asked about the new hire's qualifications, and stated that she knew the new person was the Assessor's granddaughter. Supervisor Bloomfield stated that she was hired to be a fill-in clerk. He went on to explain the remarkable work the new Assessor was doing for the Town. Ms. Bloom thanked the Supervisor for answering her questions.

Bill Johnson, resident, asked Councilmember Cappella about the Highway Department's plans for ditching work this spring. Councilmember Cappella stated that Highway is doing ditching, as well as its other work. It is being pulled thin with Salesian tasks added. Mr. Johnson said he was concerned about the rough condition of Goshen roads. He would like tax money spent on roads. He would like the Police Dept. curtailed and part of Salesian sold to improve roads and reduce taxes. Believes there is an overabundance of police officers. Councilmember

Cappella agreed that many roads are in rough shape and need to be attended to because it is a safety issue. It is something the Council is struggling with.

Nick Petraglia, resident and Goshen Independent Reporter, spoke on the affordable housing issue. Rather than requiring Developers to build ten percent of units smaller for affordable housing, suggests encouraging decent multi-family housing such as apartments. Supervisor Bloomfield stated that provisions for this already exist in the Code.

Patricia Sherlock, resident and Commissioner of the JRC, explained that the Commission is exploring the possibility of accepting free fill from the McBride excavation to fill in the foundation at Salesian, and have volunteers lined up to plant a garden once it's in place. Goshen-in-Bloom has offered to help too. The JRC will need to make decisions and move quickly if this is to be done by the opening June 30<sup>th</sup>. Commissioner Sherlock said that the JRC is looking to save the Town and Village money by filling in the foundation prior to opening so that a fence does not have to be purchased and installed around it. Supervisor Bloomfield praised the JRC for their diligence, and stated that like other JRC projects, the JRC had the authority to proceed with the course they thought best. In this case, once they received a statement from the insurance company regarding the level to which the foundation should be filled in, and from McBride or the Village, verification that the free fill was uncontaminated, then the JRC could make the arrangements. Councilmember Canterino advised that if the fill was clean, it be accepted and stored on the Salesian property so that the JRC had time to fully consider solution options. Phase 2, 3, and 4 of the project should be examined to make sure that filling in the foundation does not preclude future plans. In the meantime, so that the park can open to the public, a fence which is reusable should be installed. Lastly, Commissioner Sherlock stated that the JRC wished to save taxpayers money on Salesian expenses, and were prepared to launch a campaign for volunteers, both individuals and companies. Supervisor Bloomfield commended JRC for this and said that if the JRC would provide a list of volunteers, the Town will integrate or coordinate volunteer work with DPW work at the site. Trustee Bloom committed to finding out from the Village Building Inspector the next day, if the dirt offered by McBride was free of contamination.

Jessica Corr felt that the foundation at Salesian is beautiful as is, and the sunken garden idea is awesome. Would not like to see it all covered up. Supervisor Bloomfield explained that plans called for the foundation walls to be taken down to three feet high, but during demolition, the previous Supervisor halted the work at a higher level, which is now unsafe to leave unfenced or lowered. Ms. Corr suggested that the metal I-beams be removed and brought to Werner's for scrap money. Regarding funds from Developers, Ms. Corr offers the suggestion that escrows be used to deal with contingency funds. On affordable housing, she felt the phrase is heard over and over. She stated that she has been renting for a very long time, and believes that not everyone is going to get to have a house. It is not up to the community to solve everyone's problem although it should look out for everyone regardless of how much they make. Supervisor Bloomfield said his concern is that taxes, not the price of housing, are chasing all but the wealthy out of Town. Ralph Huddleston, Planning Board Chairperson, cautioned that there are problems associated with multi-housing developments as Warwick and Walkill found out, if not done well. Ms. Corr addressed impact fees. She felt that they should be charged given the impact of every house on roads and especially schools. Supervisor Bloomfield informed her that NYS law did not permit Towns to impose impact fees.

Lastly Ms. Corr felt that Council should take the \$250,000 grant funds and allow the restriction it imposes to keep the entire Salesian property forever parkland.

Keith Roddy asked if a Transfer Tax could be initiated. Supervisor Bloomfield said that the former Supervisor, Honey Bernstein, spent a great deal of time trying to get Senator Larkin and other Legislators to introduce it on the floor in Albany. They refuse because the Realtors of Goshen got to them. If individuals wish to reopen the idea, the Town Council is behind them, but they must do the work of getting petitions, etc. because the Councilmembers cannot get to all the work they want to do as it is. Attorney Caplicki was asked his experience and informed Council that Warwick has a Transfer Tax that is charged to the buyer.

Doris Bialas said that she did not think the \$250,000 grant money should be accepted for Salesian.

J. EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION & NEGOTIATIONS ON THE FOLLOWING MATTERS:

1. Kenneth Sullivan Litigation
2. Cleanup at 6 Larchwood
3. Cleanup at 1 Oakwood Drive
4. School Resource Officer Contract Negotiations

Councilmember Canterino made a motion to enter into Executive Session to discuss pending litigation and negotiations on the matters listed above, without intention to return to open meeting. Councilmember Lyons seconded the motion.

Motion passed:	5	AYES
	0	NAYS

K. ADJOURNMENT

Council entered Executive Session at 9:30pm.

Respectfully submitted by:

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Susan Maysels, Deputy Town Clerk