

**TOWN OF GOSHEN
TOWN BOARD MEETING
MAY 26, 2005**

The Regular Meeting of the Town Board of the Town of Goshen was held on the 26th day of May, 2005 at 7:30 pm 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
	Louis Cappella	Councilman (late arrival)
	Kenneth Newbold	Councilman
	Richard Roberts	Councilman

Also Present: John Cappello, Attorney

A. Call to Order

Supervisor Bernstein called the regular meeting of the Town Board of the Town of Goshen to order at 7:33 pm. Ms. Debbie Marone was asked to lead the group in the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

Supervisor Bernstein noted that item #2 under Old Business, Stipend for Highway Foreman will be moved to a later date as further research is needed.

C. PRIVILEGE OF THE FLOOR (Agenda items only) - No response

D. REPORTS

POLICE DEPARTMENT

Councilman Newbold reported on two recent PBA events. The breakfast for the seniors was a huge success. There were over 100 attendees. The police and the BOCES students did a tremendous job.

There were two awards ceremonies recently. Sgt Matthew Imperio and Officer Michael Imperio were recognized for Exceptional Police Duty at a ceremony held at the Orange County Government Center on May 21. Sgt. Matthew Imperio and Officer Michael Wilson received awards at the Officer of the Year ceremonies at the American Legion in Middletown. Councilman Newbold thanked our Police Department and the Chief for the outstanding job they are doing for us.

HUMANE SOCIETY

Councilman Newbold reported that Laurene Sandstrom has resigned as manager. She has done a wonderful job and will be missed in that capacity. Ms. Sandstrom will remain as Animal Control Officer.

TOWN HALL PLANTINGS

Councilman Newbold has been working on the flowerbeds around Town Hall to prepare for Great American Weekend and Goshen in Bloom. He thanked Mr. Halloran for the two new rhododendrons. Everything is starting to look very nice.

TRAIL COMMITTEE

Councilman Newbold thanked Susan Cleaver for her proposed "Parade of Horses" for the new trails. The proposal is for local businesses to sponsor the purchase of fiberglass horses, which local artists will paint. They will be displayed at appropriate points beginning with the trails through the Salesian Park. Also thank you to John Cappello for recommending the Arts Federation be contacted. They are most enthusiastic about the concept.

MEMORIAL DAY

Councilman Newbold reminded everyone that Monday is Memorial Day. There will be a parade and ceremonies in the Church Park to honor our Veterans'

QUESTION REGARDING A PARTICULAR VOUCHER

Councilman Newbold explained that about two weeks ago he spoke to the Supervisor regarding a voucher to Netrix, Inc. in the amount of \$147,655.55 for the demolition of the Salesian Mansion. It was his understanding that expenses for this project were to be shared 50/50 with the Village. When he saw the Voucher, the figures depicting the split were crossed off and the full amount was paid. He states that when he asked Supervisor Bernstein why this was for the full amount, she said she had made an executive decision.

Councilman Newbold researched the code and found no reference to executive order. He further stated that vouchers are signed and then and only then can the supervisor authorize payment. To his knowledge the voucher was signed on 4/28/05, paid on 4/29/05. There was a joint meeting with the Village on 4/30 and there was no mention of any request by the Village to have the Town pay the entire amount. He feels the Board should have been made aware that the Village

had requested that the Town pay this first payment and that the Village would pay the next payment rather than the usual 50/50 split.

Supervisor Bernstein replied that she feels Councilman Newbold has made assumptions without getting the facts first. He has questioned her integrity and owes her an apology. She then read from an affidavit signed by the Budget Officer and duly notarized. This document is appended to these minutes as part of the record and is available for public review in the Clerk's office.

In summary, the statement explains that the voucher was originally prepared for \$147,655.65 and was signed by three Town Board Members according to Town policy.. When the Supervisor audited the vouchers the next day she questioned if it should be a 50/50 split with the Village. The Budget Officer then handwrote the 50/50 split on the voucher and cut a new check for half the amount. Prior to the release of the check, the Supervisor spoke to the Village Mayor and he requested that, as it was the end of their fiscal year, the Town pay this installment and the Village would pay the next (equal installment) one. The Village would also pay for any interest expense incurred by the Town for that one month (\$171.20). the Supervisor then instructed the Budget Officer to cross out his handwritten notation, and pay the voucher as originally written. This voucher was again approved by all the councilmen (with the change) at the May 12, 2005 meeting.

Supervisor Bernstein stated that she was happy that they could cooperate with the Village at no cost to the Town taxpayers. She further noted that she and the councilmen represent the Village as well as the Town residents and both constituencies must be represented fairly.

Councilman Newbold responded that he feels he has not attacked the Supervisor and he wishes that she had conveyed this entire series of events to the Board when asked.

FEMA FLOOD INSURANCE SEMINAR

Councilman Bloomfield reported that he and Mr. Halloran attended this seminar and found it very informative. There is a state program available that he feels the Town may want to consider in the future.

JOINT RECREATION

Councilman Bloomfield reported that the department is very busy getting ready for the summer. They are also continuing with their long range planning for new parks.

WALLKILL RIVER DRAINAGE COMMISSION

Councilman Roberts attended a meeting of this group at the Pine Island Fire House. The supervisors from the other three towns involved were also present as well as Legislator Tom Pahucki. The committee requested that letters be written to FEMA seeking assistance in light of the recent flooding. In his capacity as Deputy Supervisor, Councilman Roberts sent this letter last week. Councilman Roberts also attended the Police Awards Ceremonies and commended our Police Department for all they do for us.

OPEN SPACE COMMITTEE

Supervisor Bernstein reported that the Open Space Committee received 22 applications from landowners. Jayne Daly and Supervisor Bernstein interviewed them and four were chosen. These were submitted to the County and a response is expected soon.

Supervisor Bernstein announced that Stephen Yarabek, of Hudson & Pacific Design, the architect for Salesian Park, has been chosen by the World Monument Foundation to work on the redevelopment plan for Angkor Wat, in Cambodia, one of the seven wonders of the world.

E. OLD BUSINESS

1. Approve waiver of sign fee for Humane Society

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION
TO WAIVE SIGN APPLICATION FEE
FOR THE HUMANE SOCIETY

Introduced by: Councilman Roberts

Seconded by: Councilman Newbold

Date of Adoption: May 26, 2005

WHEREAS, the Humane Society has made an application to erect a sign advertising its business; and

WHEREAS, the Town Board has determined it is in its best interest to waive any fee for this building permit.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board waives the sign permit fee for the Humane Society.

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Upon Roll Call Vote:

Supervisor Bernstein	Aye	Councilman Newbold	Aye
Councilman Roberts	Aye	Councilman Bloomfield	Aye
Councilman Cappella	Absent		

Vote: Resolution Carried by vote of 4 to 0.

F. NEW BUSINESS

1. Approve Highway Department purchase of Dump Truck and Backhoe

TOWN OF GOSHEN
County of Orange, State of New York

**RESOLUTION AUTHORIZING HIGHWAY DEPARTMENT
SUPERINTENDENT TO PURCHASE A
DUMP TRUCK and BACKHOE**

Introduced by: Councilman Bloomfield
Seconded by: Councilman Roberts
Date of Adoption: May 26, 2005

WHEREAS, the Town of Goshen Highway Department has requested to purchase the following equipment from state bid:

1. 2005 International Dump Truck at a price not to exceed \$110,000;
and
2. 2005 New Holland LB 75B Loader/Backhoe at a price not to exceed \$61,000.

WHEREAS, the Town Board authorizes the Highway Department Superintendent to purchase said dump truck and backhoe.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Goshen authorize the Highway Department Superintendent to purchase:

3. 2005 International Dump Truck at a price not to exceed \$110,000;
and
4. 2005 New Holland LB 75B Loader/Backhoe at a price not to exceed \$61,000.

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.

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- 2. Approve Highway Department Superintendent to solicit bids for patch roller.

Councilman Bloomfield stated that at work session it was suggested that the Highway Superintendent look for a good used patch roller. Mr. Andryshak assured the Board that he would put new or used in his ad.

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION AUTHORIZING HIGHWAY DEPARTMENT SUPERINTENDENT TO SOLICIT BIDS FOR A PATCH ROLLER

Introduced by: Councilman Roberts

Seconded by: Councilman Newbold

Date of Adoption: May 26, 2005

WHEREAS, the Town of Goshen Highway Department has requested to solicit bids for a Patch Roller; and

WHEREAS, the Town Board authorizes the Highway Department Superintendent to solicit bids for a Patch Roller for the Town of Goshen Highway Department.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Goshen authorize the Highway Department Superintendent to solicit bids for a Patch Roller for the Town of Goshen Highway Department.

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.

- 3. Approve Highway Department Superintendent to solicit bids for surplus equipment.

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION

**AUTHORIZING SOLICITATION OF BIDS
FOR SURPLUS VEHICLES**

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Introduced by: Councilman Newbold
Seconded by: Councilman Bloomfield
Date of Adoption: May 26, 2005

WHEREAS, the Highway Superintendent has submitted an equipment list declaring the following equipment as surplus:

- 1. 1983 International Dump Truck;
- 2. 1982 Ford Loader;
- 3. 1987 Sweeper Truck

WHEREAS, the Town Board declares the above listed equipment surplus; and

WHEREAS, the Town Board authorizes the Highway Superintendent to advertise and solicit bids for purchase of said surplus inventory.

NOW, THEREFORE, BE IT RESOLVED that the Highway Superintendent is authorized to advertise and solicit bids for purchase of said surplus machinery.

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.

- 4. Authorize Supervisor to coordinate alternative wastewater treatment plant study.

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

***RESOLUTION
AUTHORIZING SUPERVISOR TO COORDINATE
ALTERNATIVE WASTEWATER TREATMENT PLANT STUDY***

Introduced by: Councilman Roberts
Seconded by: Councilman Bloomfield
Date of Adoption: May 26, 2005

WHEREAS, the Town of Goshen has been requested to participate in and coordinate with the Orange County Department of Planning and Orange County Water

Authority to permit such agencies to conduct a study and report regarding the viability of alternative wastewater treatment plants for the Town. Such study to be completed at no cost to the Town except in-kind cooperation of town's consultants.

NOW, THEREFORE, BE IT RESOLVED that the Supervisor to coordinate with the Orange County Department of Planning and Orange County Water Authority to permit such agencies to conduct a study and report regarding the viability of alternative wastewater treatment plants for the Town. Such study to be completed at no cost to the Town except in-kind cooperation of town's consultants.

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. Authorize reduction of performance bond for Lands of Tobias.

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION AUTHORIZING REDUCTION
OF PERFORMANCE BOND
LANDS OF TOBIAS

Introduced by: Councilman Roberts

Seconded by: Councilman Bloomfield

Date of Adoption: May 26, 2005

WHEREAS, the Planning Board has granted final approval for the subdivision of "Lands of Tobias", which includes construction of a certain road and drainage improvements; and

WHEREAS, the original Performance Bond for the total estimated cost of construction of this road was in the amount of \$69,000.; and

WHEREAS, the engineer for the Town and the Highway Superintendent have inspected the work on the road and have determined that the estimated cost of work remaining is \$19,000.

NOW, THEREFORE, BE IT RESOLVED THAT:

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1. Pursuant to Town Law §277, the Performance Bond may be reduced to the amount of \$19,000.

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.

6. Authorize Reduction of performance bond for Leva.

TOWN OF GOSHEN
County of Orange, State of New York

**RESOLUTION AUTHORIZING
RELEASE
OF PERFORMANCE BOND
AND IN EXCHANGE FOR
MAINTENANCE BOND
LANDS OF MAPLE HILL - LEVA
SUBDIVISION-ANGELA'S WAY
STA 0+00 TO 12&3
LOTS #22-3**

Introduced by: Councilman Roberts

Seconded by: Councilman Bloomfield

Date of Adoption: May 26, 2005

WHEREAS, the engineer for the Town and the Highway Superintendent have inspected the work of the above referenced road for Performance Bond release purposes and have certified that the subject road is in compliance with the Town's Road Standards; and

WHEREAS, the Planning Board and the engineer for the Town have determined that in exchange for the release of the Performance Bond, the required \$27,246.00 Maintenance Bond (10% of the established \$272,460.00 Performance Bond) pursuant to Town Code 83-11D, will be posted together with the associated deed, sufficient to convey title, free of all liens and encumbrances and recording forms to be provided for the road dedication/acceptance requirements.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to said inspection, the remaining Performance Bond amount of \$34,000.00 can now be considered by the Town Board for release to the developer of the

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Maple Hill-Leva Subdivision, Frank Leva in exchange for a Maintenance Bond in the amount of 27,246.00 to secure the maintenance and upkeep of the road for a period of one (1) year.

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.

7. Appoint Kenneth Hewes Barricklo Architect, PC to prepare bid specs for Salesian School Building

Supervisor Bernstein explained that the engineers (Robert Silman Assoc.) have completed the first half of the job to look at the School Building. In order to verify their findings that it is salvageable, they need to see behind the surface. Therefore they need to have a firm come in to do the probes. The fees for this will be split with the Village.

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

***RESOLUTION
AUTHORIZING RETENTION
KEVIN HEWES BARRICKLO, ARCHITECT, PC***

Introduced by: Councilman Roberts
Seconded by: Councilman Bloomfield
Date of Adoption: May 26, 2005

WHEREAS, the professional services are needed to prepare specifications for renovations to the Salesian school building

NOW, THEREFORE, BE IT RESOLVED the Town authorizes the Supervisor to sign a contract with Kenneth Hewes Barricklo, Architect, PC to prepare bid specifications for the Salesian school building subject to attorney's review and approval by the Village Board of the Village 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.

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G. FINANCE

Councilman Bloomfield made the MOTION, seconded by Councilman Roberts to authorize the Supervisor to pay Voucher #20051071 thru Voucher #20051180 amounting to \$41,195.01. Motion carried 4 to 0.

H. PRIVILEGE OF THE FLOOR:

Mayor Wohl advised the audience that he was aware of the questions regarding the payment of the voucher to Netrix and he is here tonight to assure the Board and the public that he did discuss the payment with the Supervisor. Because it was the end of the Village's fiscal year, they agreed to the Town paying the entire voucher with the Village to reimburse the Town for any interest accrued. The Village agreed to pay the next bill, which will be for the other half of the job.

Ms. Barbera thanked the Council for waiving the sign fee for the Humane Society. She also complimented Supervisor Bernstein on the cooperation between the Village and Town on the above Salesian matter.

Mr. Petraglia asked for further explanation of Resolution #6 regarding the hiring of Kenneth Hewes Barricklo Architect. Supervisor Bernstein explained that in order to complete the determination regarding the salvaging of the school building, the engineers need to look behind the walls. This work needs to be put out to bid and KHB will be hired to make up the bid specs. Once the bid has been accepted and the walls have been opened, Silman Associates can come in and look behind the walls. Councilman Roberts stated that this is a structural steel building and the need to open spots where there has been water damage. Some of the areas may contain asbestos and they have to be careful not to contaminate the rest of the building. Councilman Bloomfield noted that once this has been studied, the cost for salvage can be determined.

Jerry Boss inquired about the status of the Scotchtown Water District. Supervisor Bernstein responded that the HOA has hired an attorney. She advised him that if the HOA wants to take over the water district the Town can sign it over to them. However, the Town feels they cannot wait for the HOA to proceed. It is a matter of public health and safety and the Town is going to continue to proceed with the permitting process.

Legislator Tom Pahucki, addressed the group to publicly thank the Town Board for their work on repairing Celery Ave. He came to the Board in 1987 asking for help for Celery Ave. and it is now finally being done. He also wanted to express his thanks to Councilman Newbold for his outspoken advocacy on this project. He also mentioned that he had received a letter that there would be barricades in

the fields. He feels that this will keep the farmers from accessing the fields and suggested signage - stating vehicles with lugs prohibited. However, signage of this nature did not work before, so he suggested a local law, which would give the Town enforcement powers. Mr. Pahucki noted that they need to take care of the road once it's completed and the Town should implement a mechanism to fine abusers. Mr. Cappello will research the allowable penalty.

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Mr. Boss suggested that they put the residents on notice to form a neighborhood watch to be sure the new road is not abused. Supervisor Bernstein explained that Councilmen Bloomfield and Cappella have volunteered to go out and talk to the neighbors. Mr. Pahucki stated that he has already spoken to the neighbors and they are all concerned about protecting the road once it is repaired. He further stated that he would be the first to turn in any offenders. "We will watch our own house." Councilman Bloomfield emphasized that this is very important to the Town as they can only do this once. Mr. Pahucki will arrange to set up a meeting for them to meet with the neighbors.

Mr. Pahucki also noted that there would be another meeting in Pine Island regarding the Wallkill River Drainage and asked that the TB members attend. He emphasized that the work that needs to be done is going to be very costly for the four towns involved. He noted that they usually have to remove 5-6 trees annually at a cost of approximately \$60,000. The committee has found that this time there will be 200-220 trees involved.

Mr. Pahucki also mentioned that the Global Country of World Peace that has purchased 818 acres will likely be seeking some sort of tax-exempt status. He has been in touch with the developer, Mr. Quinn, who replied that they do not know what will they do yet. Mr. Pahucki noted that it would be good to see an organic farm in the area, however it could become a difficult situation. He advised Mr. Quinn that he should have spoken to someone in the Town before acquiring the land, as there is some hesitance in the community regarding the tax exemption. He suggested that a representative come in to speak to the Board and the growers. Councilman Newbold noted that Mr. Quinn did speak to the Building Department and was very vague, which is causing some concern in that department. Mr. Boss also asked who would pay for any necessary litigation if Global Country does seek a tax-exempt status. Mr. Cappello stated that they have no facts at this time, and the Town will just have to make a determination when and if an issue arises

Councilman Roberts thanked Mr. Pahucki for the complimentary words. He further stated that the Town Board has reviewed all the roads in Goshen and they have a plan to proceed with repairs as they realize that many of the roads need work. Councilman Cappella apologized for being late, and stated that the Highway Department previously only allowed \$90,000 per year for repairs, but this year they have budgeted approximately \$400,000. They will try their best to do as many roads as possible, but costs keep rising. He noted that Celery Ave. had been scheduled for last year, but they were waiting for a grant. Supervisor Bernstein noted that they have been trying for this grant from Sue Kelly's office since 2002, however, it was held up in the House. The grant did become available from the Transportation Committee, but it was for Orzek Ave.

Mr. Joe Papasidero, Fran Dr. explained that the homeowners received a letter that has them concerned regarding the Scotchtown water district. Supervisor Bernstein stated that the Dept. of Health has asked the Town to take over the district and Mr. Swanson has agreed to continue maintenance until the necessary permits are obtained either by the Town or the HOA. Mr. Papasidero noted that Mr. Swanson has not done a very good job in the past. Supervisor Bernstein

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stated that they have no jurisdiction. The Town signed a contract with Mr. Swanson approximately 3 weeks ago. Mr. Cappello explained that the Town has heard nothing from the attorney at this time and the Town has no jurisdiction as the developer owns the wells.

Mr. Keith Roddey stated that he sat with the library citizen's advisory board and got the impression that there is a lack of dialogue between the Town and the Library. He suggested that they should look at the requirements of the library and try to see if they can come up with a solution. Supervisor Bernstein noted that the library has stated that they need 25,000-30,000 sq. ft. and the first floor of the Salesian School is not large enough. They know that the upper floor cannot carry the load needed for a library. She also noted that once they have established the cost of salvage for the school building, the Town, Village and Library can make a more informed decision. Councilman Bloomfield also noted that they have not really heard from the library regarding what they really want. To his knowledge the library has stated that they do not want the school building. Councilman Cappella noted that in the 18 months he has been involved with the Town Council the library has never come in until the meeting that was held last week. Councilman Roberts also agreed that when he has attended library meetings, he has gotten the impression that they do not want the school at all.

Mr. Petraglia asked if a study had been done regarding the cost to the Town for the library to be in the Salesian School rather than in a building of their own. He noted that the library will be paid for by the school tax base. Councilman Bernstein stated that they have to be patient and wait for the final study.

Ms. Debbie Marone stated that she was at the meeting last Saturday and got the impression that the library board is fearful that it will take as much as \$6 million to renovate the school. She also felt that they did not want the site if it could be demolished. Supervisor Bernstein remarked that she is uncomfortable discussing this issue without the library committee being present. She noted that there were representatives from the library on the Salesian Advisory Committee. She feels it would be more advantageous to wait for the engineers' report before holding any further discussion.

Mayor Wohl noted that the Village DPW will be helping the Town with the resurfacing of the parking lot at Craigville Park. Supervisor Bernstein explained that it was necessary to finish this resurfacing by June 1 in order to keep grant monies. The Town DPW is busy with the Celery Ave. project, so she asked if the Village could help out. The Supervisor and the Mayor are pleased with this inter-municipal government cooperation.

Ms. Debra Marone thanked the Town Board members for doing the best they can. She thanked Councilman Newbold for thoroughly reviewing the vouchers and to Supervisor Bernstein for working with Mayor Wohl on the fiscal situation. However, she would like to offer some constructive criticism, by suggesting that before issues are brought up in a public meeting they should be thoroughly researched, i.e., the recent Humane Society problems. There is always room for improvement.

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Ms. Marone also addressed the issue of snowmobiles and ATV's traversing farm property and damaging the fields. She suggested that the Town Police contact the County Sheriff's office. They have equipment available to them and would be willing to set up an operation to catch the abusers. Councilman Newbold responded that they have asked Chief Marsh for a list of needed items and he did request an ATV for this purpose. Councilman Bloomfield noted that there would be a cost, and time and energy will be expended, so they need to have discussions to find the best way to approach the problem. Supervisor Bernstein agreed that it might be beneficial to contact the Sheriff for a discussion.

Supervisor Bernstein noted that the Town Hall is in the process of being painted and she would like to thank Councilman Roberts for arranging for this work at the very low price of \$4500.

Adjournment: The meeting adjourned at 8:55 pm upon motion made by Councilman Roberts, seconded by Councilman Newbold.

Linda P. Doolittle
Deputy Town Clerk