

A Regular Meeting of the Town Board of the Town of Goshen was held on the 9th day of June 2004 at 7:30 p.m. in the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:

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

Also Present: Jayne Daly, Attorney

A. Call to Order: Supervisor Bernstein called the meeting to order at 7:35 p.m.

B Amendment to the Agenda:

Councilman Cappella stated that a promotion for a highway employee, from a MEO to a HEO, was discussed in the work session and he would like to add it to the agenda. It will be added as number 4 on the agenda.

Councilman Bloomfield said he would also like to add lawn mowing at Salesian. This will be added as number 5 on the agenda

C. Privilege of the Floor – Reynell Andrews asked about the support of opposition to the Casino. He asked if this support was only from the Town Board since the public has not had a chance to voice it's opinion. Supervisor Bernstein stated that Public Hearings are not always required, but that it was a good point and the Board would take it into consideration when they take it up later in the agenda.

PUBLIC HEARING – CLEARING AND GRADING CONTROL LAW

Supervisor Bernstein opened the Public Hearing at 7:45 p.m. and explained that these were items missed in the Master Plan and now the Board would like to add them.

Reynell Andrews addressed the Board asking if this would affect the farmers? Supervisor Bernstein replied farmers are exempt. He asked about logging and culling and how they would be affected. Attorney Daley answered explaining that these two items are exempt for the most part and are more liberal than before. She stated only under certain conditions do they have to go to the Planning Board.

With no further comments from the floor, Councilman Newbold made a Motion to close the Public Hearing. The Motion was seconded by Councilman Bloomfield. Motion carried 5 to 0.

Attorney Jayne Daley said she would like, for the record to state that there was no County or Planning Board input required for this, because it is not a zoning law.

SET PUBLIC HEARINGS:

1. AFFORDABLE HOUSING LAW - Supervisor Bernstein introduced two members of the Affordable Housing Committee, Michael Wilson and Alice Dickerson. Ms. Dickinson, of the Rural Housing Development Advisory Corp., is not a resident of Goshen, however she has worked very generously with the committee. Mr. Wilson gave the Board a brief overview of the Affordable Housing explaining how the committee worked to create a fair and equitable plan to give the citizens of Goshen an opportunity to purchase affordable housing. He explained that in a development these houses would have the same character of the other homes, similar in size, similar in appearance and indistinguishable from the other homes. He explained that no more than two affordable homes can be placed together in the hamlets or developments, but must be spread out throughout the development. He said they would not be placed in one area looking perhaps like track houses.

Mr. Wilson also explained the income levels and the preference points that will be given to residents such as volunteer and paid ESM employees, teachers, firemen, police men, etc. He and Ms. Dickinson answered questions from the Board and the public. Anyone wishing to review the entire law may do so at the Town Clerk's office.

Supervisor Bernstein thanked Mr. Wilson and Ms. Dickinson for coming and for working so hard on the Affordable Housing committee. She thanked the other members of the Committee and again for Ms. Dickinson's work.. The Supervisor stated she would also like to recognize Ronnie Degan, another of the Committee that worked so hard and was present.

A Motion was make by Councilman Cappella to set the Public Hearing for Affordable Housing for July 14, 2005. The Motion was seconded by Councilman Roberts. Motion carried 5 to 0.

TOWN OF GOSHEN

County of Orange, State of New York

Resolution of Introduction

**MODERATE INCOME/AFFORDAABLE HOUSING
LOCAL LAW**

Introduced by: Councilman Louis Cappella
Seconded by: Councilman Richard Roberts
Date of Introduction: June 09, 2005

WHEREAS, an Introductory Local Law entitled “Moderate Income/Affordable Housing Local Law” was introduced before the Town Board of the Town of Goshen in the County of Orange and State of New York on June 9, 2005; and

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

BE I FURTHER RESOLVED, that the Board hold a public hearing on said proposed local law at the Goshen Town Hall, Webster Avenue, Goshen, New York, at 7:30 o’clock P.M. on July 14, 2005, and

BE IT FURTHER RESOLVED, that the Clerk publish or cause to be published a public notice in the official newspaper of the Town of Goshen of said public hearing at least ten (10) days prior thereto.

Vote: Resolution carried by a vote of 5 Ayes 0 Nays.

2. **PEDDLER LAW** – Supervisor Bernstein explained that there is a Peddler Law on the books, but it needed to be updated. Councilman Newbold made a Motion to set the Public Hearing for the Peddler Law for July 14, 2005. The Motion was seconded by Councilman Roberts. Motion carried unanimously.

TOWN OF GOSHEN
County of Orange

Resolution of Introduction

AMENDMENT TO PEDDLING AND SOLICITING LAW

WHEREAS, an introductory Local Law entitled “Amendment to Peddling and Soliciting” was introduced before the Town Board of the Town of Goshen in the County of Orange and State of New York on June 9, 2005; and

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

BE IT FURTHER RESOLVED, that the Board hold a public hearing on said proposed local law at the Goshen Town Hall, Webster Avenue, Goshen, New York, at 7:30 o'clock PLM> on July 14, 2005, and

BE IT FURTHER RESOLVED, that the Clerk publish or cause to be published a public notice in the official newspaper of the Town of Goshen of said public hearing at least ten (10) days prior thereto.

Vote: Resolution carried by a vote of 5 Ayes 0 Nays.

3. TDR – Supervisor Bernstein explained this law involves the Transfer of Development Rights. She said this local law clarifies and expands the current Zoning Code to set forth the specific procedures to follow when seeking to make a financial contribution in lieu of transferring development rights. A complete copy is available for inspection at the Clerk’s Office. Councilman Cappella made a Motion to set the Public Hearing for the Establishment of Procedures for Payment in Lieu of TDR Law. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

TOWN OF GOSHEN
County of Orange, State of New York

Resolution of Introduction

**ESTABLISHMENT OF PROCEDURES
FOR PAYMENT IN LIEU OF TDR**

Introduced by: Councilman Louis Cappella
Seconded by: Councilman Kenneth Newbold
Date of Introduction: June 9, 2005

WHEREAS, an Introductory Local Law entitled “Establishment of Procedures for Payment in Lieu of TDR” was introduced before the Town Board of the Town of Goshen in the county of Orange and State of New York on June 9, 2005; and

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

BE IT FURTHER RESOLVED, that the Board hold a public hearing on said proposed local law at the Goshen Town Hall, Webster Avenue, Goshen, New York, at 7:30 o’clock P.M. on July 14, 2005, and

BE IT FURTHER RESOLVED, that the Clerk publish or cause to be published a public notice in the official newspaper of the Town of Goshen of said public hearing at least ten (10) days prior thereto.

Vote: Resolution carried by a vote of 5 Ayes 4 Nays

4. Zoning Modifications – Supervisor Bernstein asked Attorney Jayne Daley to explain the modifications that were being made in this law. She explained the changes to the Board and public. A copy of the law may be obtained in the Town Clerk’s office.

TOWN OF GOSHEN
County of Orange, State of New York

Resolution of Introduction

MISCELLANEOUS REVISIONS TO TOWN OF GOSHEN
ZONING LOCAL LAW

Introduced by: Councilman Kenneth Newbold
Seconded by: Councilman Douglas Bloomfield
Date of Introduction: June 09, 2005

WHEREAS, an Introductory Local Law entitled “Miscellaneous Revisions to Town of Goshen Zoning Local Law” was introduced before the Town Board of the Town of Goshen in the County of Orange and State of New York on June 9, 2005; and

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

Be it further resolved, that the Board hold a public hearing on said proposed local law at the Goshen Town Hall, Webster Avenue, Goshen, New York, at 7:30 o’clock P.M. on July 14, 2005, and

BE IT FURTHER RESOLVED, that the Clerk publish or cause to be published a public notice in the official newspaper of the Town of Goshen of said public hearing at least ten (10) days prior thereto.

Vote: Resolution carried by a vote of 5 Ayes 0 Nays

RESOLUTIONS:

COMMUNITY DEVELOPMENT

**MUNICIPAL RESOLUTION – URBAN COUNTY
TOWN OF GOSHEN**

Introduced by: Councilman Douglas Bloomfield
Seconded by: Councilman Richard Roberts
Date of Adoption: June 09, 2005

RESOLUTION AUTHORIZING THE TOWN OF GOSHEN ENTER INTO AN AMENDMENT TO THE EXISTING COOPERATION AGREEMENT DATED July 8, 1993, AS AMENDED, WITH THE COUNTY OF ORANGE FOR THE PURPOSE OF UNDERTAKING COMMUNITY DEVELOPMENT AND HOME PROGRAMS FOR THE PROGRAM YEAR COMMENCING FEDERAL FISCAL YEARS 2006 –2008 (AND SUCCESSIVE THREE YEAR QUALIFICATION PERIODS) PURSUANT TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED AND TITLE 11 OF THE NATIONAL AFFORDABLE HOUSING ACT OF 1990, AS AMENDED.

WHEREAS, the Secretary of the U>S> Department of Housing and Urban Development (“HUD”) authorized, under Title 1 of the Housing and Community Development Act of 1974, as amended and Title 11 of the National Affordable Housing and Act of 1990, as amended to make grants to states and other units of general local government to help finance Community Development and Affordable Housing Programs; and

WHEREAS, it is desirable and in the public interest that the **TOWN OF GOSHEN** participate in aforesaid Community Development and **HOME** Programs for the program year commencing **Federal Fiscal Years 2006 – 2008**, (and successive three year qualification period: and

WHEREAS, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more other municipal corporations, to apply for, accept and expend funds made available by the Federal government either directly or through the state, pursuant to the provisions of any Federal Law which is not inconsistent with the statutes of constitution of this state, in order to administer, conduct or participate with the Federal government in programs relating to the general welfare of the inhabitants of such municipal corporation; and

WHEREAS, applications for grants to finance Community Development and Affordable Housing Programs under the Housing and Community Development Act of 1974, as amended and the National Affordable Housing Act of 1990, as amended and any “eligible Activities” thereunder are not inconsistent with the statutes or constitution of this state; and

WHEREAS, TOWN OF GOSHEN shall take all required actions to comply with the Urban County’s certification required by Section 104 (B) of Title 1 of the Housing and Community Development Act of 1974 as amended, and with the provisions of the National Environmental Policy Act of 1969, Title VI of the Civil Rights Act of 1964, prohibits discrimination because of race, color or national origin under any program or activity receiving Federal financial assistance, Title VIII of the Civil Rights Act of 1968, Executive Order 11988, Section 109 of Title I of the Housing Community Development Act of 1974, the Fair Housing Act, the Americans with Disability Act of 1990 Uniform Relocation Act, Sec 504 of the Rehabilitation Act of 1973, and other applicable laws.

FURTHER, Urban County funding is specifically prohibited for activities in, or in support of any cooperating unit of local government has adopted and is enforcing:

WHEREAS, the TOWN OF GOSHEN as a cooperating unit of local government has adopted and is enforcing:

- (a) A policy prohibiting the use of excessive force by law enforcement agencies within It’s jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
- (b) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within jurisdictions.

WHEREAS, participation by the County of Orange, as an urban county in the Community Development and **HOME** programs require that the **TOWN OF GOSHEN** and the **COUNTY OF ORANGE** cooperate in undertaking or assisting in undertaking, community renewal and lower income housing assistance activities, pursuant to said Act specifically those activities authorized by statues and pursuant to Articles 9 and 17 of the New York State Constitution: and

WHEREAS, the County and **Town of Goshen** will cooperate in developing Community Development and Affordable Housing Programs and applications for the Community Development Block Grant Entitlement Program and the HOME Investment Partnership (“HOME Program”) which will be designed primarily for the purpose of meeting the priority needs and objectives of the participating localities based upon an inventory of the community development and housing needs development mutually by local and County officials;

WHEREAS, this **Town Board** deems it to be in the public interest for the **Town of Goshen** to enter into an Amendment to the existing Cooperation Agreement dated July 8, 1993, as amended, with the county of Orange for the aforesaid purpose.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and she hereby is authorized and directed to execute a Cooperation Agreement between the **Town of Goshen** and the **County of Orange** for the

purpose of undertaking Community Development and HOME Programs pursuant to the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended, for the program year commencing Federal **Fiscal Years 2006-2008** (and successive three year qualification periods).

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

CASINO – Letter in support of opposition

RESOLUTION IN OPPOSITION TO CASINO GAMBLING

Introduced by: Councilman Kenneth Newbold

Seconded by: Councilman Douglas Bloomfield

Date of Adoption: June 9, 2005

WHEREAS, Governor George Pataki has entered into agreements with Indian tribes to construct massive Las Vegas-style casinos in the Catskills-Hudson Valley Region and has introduced legislation in the New York State legislature to advance these casinos; and

WHEREAS, the unique rural character and spectacular environmental assets of Orange County are the primary attractions for local businesses, residents and tourists; and

WHEREAS, several rare species of plants and animals exist on the Shawangunk Ridge, In the Neversink River, and other rich natural habitats in the region; and

WHEREAS, reservoirs in the surrounding region provide drinking water to nine million New Yorkers each day: and

WHEREAS, roads throughout Orange County are unequipped to handle existing traffic surges during peak tourist seasons; and

WHEREAS, there are potentially significant consequences to the public health and safety, including implications regarding traffic and infrastructure, crime, fiscal concerns, and addictive behaviors associated with gambling, and other community character considerations that may be overlooked by an expedited process; and

WHEREAS, the Town of Goshen believes the traffic and environmental impact studies commissioned to date by casino developers to be incomplete and woefully inadequate;

BE IT THEREFORE RESOLVED:

That the Town of Goshen hereby calls on the Governor and Legislature to require the preparation of a cumulative environmental review of all five casino currently under consideration using applicable provisions of the National Environmental Policy (NEPA)

and New York's State Environmental Quality Review Act (SEQRA) prior to any legislative or other approvals to establish casino gambling in the Catskills.

BE IT FURTHER RESOLVED:

That prior to any approvals for casino development, there should be a comprehensive study on fiscal implications for the region and the state, and any costs evaluated for nearby communities be addressed.

BE IT FURTHER RESOLVED:

That potentially significant consequences to the public health and safety of the citizens of the town and region, including implications regarding traffic and infrastructure, crime, economic and fiscal concerns, and impacts on children and families from addictive behaviors associated with gambling be carefully evaluated.

BE IT FURTHER RESOLVED:

That the Town of Goshen hereby expresses its opposition to the proposed concentration of gambling in the Catskill region.

BE IT FURTHER RESOLVED:

That the Town of Goshen urges the State and Sullivan County legislatures to develop an alternative economic revitalization plan for the Catskill region.

BE IT FINALLY RESOLVED:

That the Town of Goshen hereby calls on the Orange County legislature and the New York State legislature to reject the Governor's plan as currently formulated.

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

FRANCHISE FEE – Letter in Support

Councilman Roberts made a Motion to authorize Supervisor Bernstein to send a letter to petition for a declaratory ruling from the New York Public Service Commission concerning the preservation of municipal authority pertaining to Verizon's construction of a fiber-to-the-premises network that is designed to provide cable television service in various parts of New York. The Motion was seconded by Councilman Cappella. Motion carried unanimously. (For complete letter refer to file.)

CLEARING AND GRADING CONTROLS LAW

The Board discussed at length the cutting and culling of trees and Attorney Daly answered questions clarifying the law pertaining to trees.

Councilman Kenneth Newbold made a Motion to accept the Negative Declaration for the Clearing and Grading Controls Law as having no environmental impacts. The Motion was seconded by Councilman Cappella. Motion carried unanimously

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

RESOLUTION OF ADOPTION

CLEARING AND GRADING CONTROLS

Introduced by: Councilman Kenneth Newbold
Seconded by: Councilman Douglas Bloomfield
Date of Adoption: June 09, 2005

WHEREAS, an introductory Local Law entitled “Clearing and Grading Controls” be and it was hereby introduced before the Town Board of the Town of Goshen on May 10, 2005, and upon notice duly published and posted, a hearing was held on June 9, 2005 before the Town Board; and

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

NOW, THEREFORE, BE IT RESOLVED, that the adoption of the introductory Local Law entitled “Clearing and Grading Controls” is hereby determined not to have a significant effect on the environment.

BE IT FURTHER RESOLVED, that the introductory Local Law entitled “Clearing and Grading Controls” of the Town of Goshen be and hereby is adopted as Local Law of the Town of Goshen on June 09, 2005.

Upon Roll Call Vote:

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

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

F. NEW BUSINESS:

1. Appoint Full Time Police Officer – Eric Hardin

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION
AUTHORIZING TOWN TO HIRE

Introduced by: Councilman Kenneth Newbold
Seconded by: Councilman Douglas Bloomfield
Date of Adoption: June 09, 2005

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

WHEREAS, the Chief of Police, Dennis Marsh, has submitted the name of Eric Hardin as the candidate to fill the position as full time police officer in the Town of Goshen.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Town Board approves the appointment of Eric Hardin as full time police officer, at Step 2 with a gross salary of \$37,121.00, such appointment to become effective immediately.

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

2. Appoint Howard Nelson – Water/Sewer Maintenance Worker @ \$16.38/hr

**TOWN OF GOSHEN
County of Orange**

**RESOLUTION
AUTHORIZING TOWN TO HIRE**

Introduced by: Councilman Louis Cappella
Seconded by: Councilman Richard Roberts
Date of Adoption: June 09,2005

WHEREAS, the Town of Goshen has determined the need to fill a full time position as Water/Sewer Maintenance Worker; and

WHEREAS, the Town Board deems it in its best interest to hire Howard Nelson to fill the full time position as Water/Sewer Maintenance Worker.

NOW, THEREFORE, BE IT RESOLVED that the Supervisor is hereby authorized to hire Howard Nelson to fill the full time position as Water/Sewer Maintenance Worker for the Town of Goshen, at a rate of \$16.38 per hour with a start date of June 13, 2005.

Upon Roll Call Vote:

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

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

3. Authorize the Supervisor to File Application to NYS Office of Parks, Recreation and Historic Preservation

Councilman Bloomifield made a Motion to Authorize the Supervisor to hire Glenn Gidaly, Grant writer, to file an application to the New York State Office of Parks, Recreation and Historic Preservation pertaining to Salesian. Councilman Cappella seconded the Motion. Motion carried 5 to 0.

4. Promotion Highway: MEO to HEO

Councilman Cappella explained to the Board and the public there are presently two HEO (heavy equipment operators) in the Highway Department. He said there is a need for another when vacations or sickness occurs. Therefore, the Highway Superintendent is asking to promote one of his MEOs (motor equipment operators). Councilman Newbold made a Motion to authorize the Highway Superintendent to promote one of his MEOs to an HEO. The Motion was seconded by Councilman Cappella. Motion passed unanimously.

Salesian Lawn Mowing: Councilman Bloomfield reported that Mark Warren, Joint Recreation Maintenance Coordinator) has been mowing the outside lawn at Salesian. However, it is time to do the inside and Joint Recreation really does not have the time. Councilman Roberts stated he felt the Board should hire someone to do the mowing on a regular basis and keep it in shape. He said he felt "it's a pity that we have this beautiful piece of property and we are allowing it to overgrow". Councilman Cappella suggested hiring Mark Warren. However, since he is a part time employee he would not be able to do it, also he said he has too much work to do for Joint Recreation to add any more. Councilman Roberts stated this property cannot be mowed by an ordinary lawn mower, heavier equipment will be needed. He felt this would be too dangerous for volunteers. Councilman Newbold felt it was getting to an emergency situation and should be dealt with as soon as possible. The Board decided to put it out to bid.

G. FINANCES

Authorize the Supervisor to pay Voucher # 2005-1181 to Voucher #2005-1305 amounting to \$167,383.59.

Councilman Cappella made a Motion to authorize the Supervisor to pay Voucher #2005-1181 to Voucher#2005-1305 amounting to \$167,383.59. The Motion was seconded by Councilman Roberts. Motion carried unanimously.

H. PRIVILEGE OF THE FLOOR:

Councilman Newbold said he would like to extend sympathy and prayers to Laurene Sandstrom and her family as her brother was just killed in Iraq. Also to Mary Israelski who recently lost her father-in-law.

Susan Soeller started to ask about the dog warden's position, but was stopped by Supervisor Bernstein, who explained that this was involving an employee and would have to be discussed in Executive Session.

Nick Patraglia spoke saying he felt mowing Salesian might make it more attractive to people to use it prior to it being open to the public. Councilman Roberts answered saying

it will take up to a year or more to get the grounds in any shape to be used and the sooner we get started the better.

Leslie Cosgrove asked about the Affordable Housing and Supervisor Bernstein replied she could pick up all the information in the Town Clerk's office.

- I. **ADJOURNMENT:** Councilman Bloomfield made the Motion to adjourn the Regular Meeting and go into Executive Session to discuss possible litigation and personnel. Motion carried 5 to 0.

Time: 8:40 p.m.

Valma Eisma, Town Clerk

