

A Regular Meeting of the Town Board of the Town of Goshen was held on the 23rd day of June, 2005 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:

Richard Roberts Deputy Supervisor
Louis Cappella Councilman

Douglas Bloomfield Councilman

Absent: Honey Bernstein, Supervisor and Kenneth Newbold, Councilman

Also Present: John Cappello, Town Attorney, Joseph Henry and James Fitzsimmons, engineers from Dufresne Henry, Ed Sims, Orange County Health Department.

- A. CALL TO ORDER:** Deputy Supervisor Roberts opened the meeting a 7:30 p.m. with the Pledge.
- B. AMENDMENT TO THE AGENDA:** Attorney Cappello stated there was one more Resolution in regard to declaring lead agency on Reservoir Road. Will become #4 under new business.
- C. PRIVILEGE OF THE FLOOR (agenda items only)** – Deputy Supervisor Roberts asked if anyone would like to speak on anything on the agenda other than the Scotchtown Community Water District. Councilman Bloomfield is feeling ill and does not know how long he can stay. He said therefore, the Board was going to quickly go through the business part of the meeting and than the Scotchtown Community Water District can take all the time they need.
- D. REPORTS:**

Councilman Bloomfield reported the Joint Recreation Commission had it's annual election and Susan Maysels has agreed to remain as Chairperson. He said Kevin Armistead will be the Vice Chairman. Councilman Bloomfield said he is delighted Susan would be willing to serve again since she was Chairperson last year and did a terrific job. He said there are a lot of activities planned for this summer and the Board has a wonderful chemistry between them.

Councilman Cappella, reporting for Highway, said he wished Superintendent Andryshak a speedy recovery from his resent three way bypass. He also reported he met with Stewart Goodrich from the State DOT a few months ago. At that time Mr. Goodrich said they would be starting work on the Phillipsburg Road Bridge in the Spring. However, he is now saying it probably would be this Fall.

Councilman Cappella also reported he and Supervisor Bernstein had met with the State DOT and they will be starting to fix the drainage problem on Route 17A and Quarry Road very soon. While they are there, they are going to put a new left hand turn onto Reservoir

Road from 17A. The entrance there now has a large embankment which will be eliminated or lowered to give better site distance.

Councilman Roberts reported Supervisor Bernstein asked him to look into the problem of parking that is taking place on Fletcher Street. The students from John S. Burke are parking on both sides of the street and blocking the entrance to Lakeville Inn. He said he spoke to the Chief of Police, Dennis Marsh, The Chief is going to set up a meeting with Councilman Roberts, himself, Mr. Gabella (owner of the Lakeville Inn) and a representative from the school to see if the problem can be solved.

E. OLD BUSINESS:

1. Budget Requests From Budget Officer

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

Introduced by : Councilperson Douglas Bloomfield
Seconded by: Councilperson Louis Cappella
Date of Adoption: June 23, 2005

WHEREAS, the Town Board has received a request from the Budget Officer to reclassify certain funds to provide a more clear and concise record expenditures; and

WHEREAS, the Town has determined that it is in the best interest of the Town to establish said new accounts as per the request of the Budget Officer.

NOW THEREFORE BE IT RESOLVED, that the following:

1. Reclassify the capital fund budget as requested by budget officer.
2. Establish a new fund for road project
3. Establish a new fund account and bank depositories for road inspections.
4. Establish a new fund account road inspections and open space.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 3 to 0.

2. Approve Eileen Kelly to Attend Assessor Seminar

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION
AUTHORIZING ASSESSOR TO ATTEND SEMINAR

Introduced by: Councilperson Louis Cappella
Seconded by: Councilperson Douglas Bloomfield
Date of Adoption: June 23, 2005

WHEREAS, the Assessor, Eileen Kelly, has requested authorization to attend a seminar in furtherance of the continuing education requirement; and

WHEREAS, the Town Board has determined that it is in the best interest to authorize said attendance at said seminar as set forth and discussed on the attached.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the cost not to exceed that set forth in the attached request.

Upon Roll Call Vote:

Supervisor Bernstein	Absent	Councilman Newbold	Absent
Deputy Supervisor Bernstein	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

Vote: Resolution carried by a vote of 3 to 0.

F. NEW BUSINESS:

1. Bond Resolutions for Highway Equipment: Deputy Roberts explained that to pass this resolution four members of the Board must be present. The Motion was made to have a special meeting on July 7, 2005 at 7:30 p.m .by Councilman Louis Cappella, seconded by Councilman Bloomfield. Motion carried 3 to 0.

2. Resolution: Waiver of Sewer Fees

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION
WAIVING SEWER FEE

Introduced by: Councilperson Louis Cappella

Seconded by: Councilperson Douglas Bloomfield

Date of Adoption: June 23, 2005

WHEREAS, the Town Board has been made aware that property owner Joan Calamari, 8 Wedgewood Drive, Goshen, suffered a water pipe leak at her residence; and

WHEREAS, Ms. Calamari has paid the fee for water usage for that water; and

WHEREAS, that water was not directed into the Town sewer system nor was it treated at the Village sewer plant; and

WHEREAS, the Town deems it in its best interest to waive any sewer fee cost caused by any said water main break.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby waive sewer fees for Joan Calamari, 8 Wedgewood Drive, Goshen, New York, that may be related to the pipe breaking.

BE IT FURTHER RESOLVED, that sewer fees in the amount of \$1,391.23 for the billing period of 2/3/2005 to 4/28/05 are hereby waived since the water generated was not treated by the Village sewer system.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 3 to 0.

3. Authorize Michele Radakovits to Attend N.Y. State Classes in Accident Investigation

TOWN OF GOSHEN
County of Orange, State of New York

AUTHORIZING TRAINING FOR DIAL-A-BUS
ACCIDENT INVESTIGATION

Introduced by: Councilman Louis Cappella
Seconded by: Councilman Douglas Bloomfield
Date of Adoption: June 23, 2005

WHEREAS, Michele Radakovits, of the Town of Goshen/Chester Dial-a-Bus has advised this Board of the NYS Dot Public Transportation Safety Board requirement to have someone at Dial-a-Bus trained in accident investigation.

WHEREAS, the State is providing approved classes in Kingston to be held on July 13 and 14 for Course 1 and October 19 and 20 for Course 2 and 3. Classes are free of charge to STOA recipients.

NOW, THEREFORE, BE IT RESOLVED:

That the Town Board deems it in the best interest of the Town to authorize Michele Radakovits to attend the above referenced courses provided by the State and as listed in her memo to the Supervisor and Town Board dated June 23, 2005.

Vote: Resolution carried by a vote of 3 to 0.

4. Notice of Intent to Become Lead Agency Upper Reservoir Road Drainage

TOWN OF GOSHEN TOWN BOARD
NOTICE OF INTENT TO BECOME LEAD AGENCY
UPPER RESERVORI ROAD DRAINAGE
IMPROVEMENTS AND MAINTENANCE WORK

Introduced by: Councilman Douglas Bloomfield
Seconded by: Councilman Louis Cappella
Date of Adoption: June 23, 2005

WHEREAS, the Town of Goshen Town Board is aware of significant ponding and icing conditions occurring on Upper Reservoir Road along the frontage of lands specifically identified on Town of Goshen Tax Map as parcel Section 15, Block 1, Lots 4.1 and 72, which conditions pose a threat to safety of travelers on Upper Reservoir Road during the spring, fall and summer due to hydroplaning and icing during the winter; and

WHEREAS, the Town's engineering consultants in conjunction with the highway superintendent have prepared plans to address this situation to control the flow of storm water along Reservoir Road to remediate the problem which work proposed includes the following:

1. The cleaning, maintenance and reshaping of shoulders on each side of the road, approximately 4,480 lineal feet to facilitate surface water to freely drain off the roadway which cleaning and reshaping will involve removal of brush and lawn area, associated regarding and then replanting of lawn area.
2. Reconstruct certain ditches along an approximate 1.2 acres within such area to a general depth of 1 ½ to 2 feet and a maximum depth of 3 feet adjoining certain culverts within such roadway which work will potentially involve the removal of 1 to 3 individual trees, but will not disturb existing hedgerows or tree lines
3. Replace an existing culvert under the driveway serving the Serdarevic property located on the east side of Reservoir Road.
4. Replace deteriorated, undersized drainage pipes and install new drainage pipes along a portion of the above referenced parcel's frontage downstream of the driveway.
5. Replace three (3) old, undersized drainage pipes crossing under Upper Reservoir Road with larger pipes to match current minimum Town standards, two (2) existing 15 inch diameter culverts will be replaced with 18 and 24 inch culverts and an existing 12 inch culvert will be replaced with an 18 in culvert.
6. Replace two existing catch basins, install a third catch basin and connect to the Drainage pipes noted above.
7. Remove a wire fence along a portion of Upper Reservoir Road, within 5 feet of the pavement as is necessary to accomplish the above described work.

WHEREAS, the Town intends to accomplish work within a 50-foot right-of-way measured from the center line of Upper Reservoir Road over which the Town claims a prescriptive easement which claim is currently pending in Orange County Supreme Court; and

WHEREAS, pending final determination of the Supreme Court, the Town board hereby requests and will consider an action pursuant to Town Highway Law §147 to authorize work

outside the paved area of Reservoir Road, subject to review and approval of this Board, and the Superintendent of the Department of Public Works of Orange County; and

WHEREAS, the Town Board will also initiate the process to obtain a formal easement pursuant to New York State eminent Domain law to correct a dangerous condition on a Town roadway; and

WHEREAS, under all three of the options receipted above, the scope of the work to be accomplished is the same;

WHEREAS, this action is an Unlisted Action under SEQR; and

WHEREAS, the anticipated impacts of this action being considered are primarily of local significance: and

WHEREAS, the proposed action involves review and approval of another agency; and

WHEREAS, the Town board deems it appropriate to coordinate its SEQR review by all involved agencies.

NOW, THEREFORE, BE IT RESOLVED, that

1. The Town of Goshen Town Board hereby declares its intention to assume lead agency Status.
2. The Town Board shall circulate copies of this notice, together with the work plan and Full Environmental Assessment Form, which includes a Part III, specifically analyzing the impact of the proposed work upon neighboring properties and the Village reservoir;
3. The Town board requests that all other agencies identified on the Long Form EAF as Involved agencies agree to the Town Board's designation as lead agency by mailing or faxing a copy of this notice, signed below, to the Town Board.
4. Failure to respond to this Notice within 30 days of the date of its mailing shall be deemed acquiescence to the designation of the Town Board as lead agency.
5. The Town Board will present the work plan and accept comment from any of the parties Receiving this notice and any other person wishing to speak at it's July 28, 2005, Town Board meeting at 7:30 p.m.

Contact Person: Hon. Honey Bernstein, Supervisor
Town of Goshen Town Board
P. O. Box 217
Goshen, New York 10924

Copies of this Notice sent with EAF and Plans to:

Regional Administrator, Region III
New York State Department of
Attn: Regional Permit Administrator
21 South Putt Corners Road
New Paltz, New York 12561

Orange County Planning Department
124 Main Street
Goshen, New York 10924

Interested Agencies:

Village of Goshen Board of Trustees
276 Main Street
Goshen, New York

Town of Goshen Environmental Review
Board
41 Webster Avenue

Town of Goshen Planning Board
P.O. Box 217
Goshen, New York 10924

Dr. Olivia Serdarevic
45 Reservoir Road
Goshen, New York 10924

Copy to: Scott T. Horn, Esq.
Michelle Newman & Horn, PC
One Whitehall Street, 10th Floor
New York, New York 10004

On a vote of 3 Ayes and 0 Nays, the Deputy Supervisor declared the Resolution was adopted.

Dated: June 23, 2005
Mailed: June 24, 2005

G. FINANCE:

Councilman Cappella made a Motion to authorize the Supervisor to pay Voucher #2005-1306 to voucher #2005-1448 amounting to \$98,890.83. The Motion was seconded by Councilman Bloomfield. Motion carried 3 to 0.

SCOTCHTOWN COMMUNITY WATER DISTRICT

Deputy Supervisor Roberts opened the discussion by reading a letter from Supervisor Bernstein, who was unable to be present.

To Scotchtown Community Residents:

I apologize for my absence tonight at this very important meeting. A family matter requires that I be away from Goshen.

This meeting was called because you have vital decisions to make regarding your Water District and not very much time within which to make them. We wanted to give you the opportunity to

better inform yourselves so that your decision can be one of intelligent choice rather than of emotional reaction. For that reason, we have also invited here tonight, in addition to the Town's various consultants, Ed Simms, from the County Board of Health, which is the agency that originally requested that the Town assume responsibility for the District.

I say that you have little time to decide, because as your representatives, we have an obligation to protect the health, safety and welfare of our residents. Mr. Swanson has indicated to us that he will not wait very much longer to relinquish control of the District. We have promised him that we will move forward expeditiously in exchange for his promise to continue to operate and maintain your water supply. We certainly do not want you to be in the position where no one is operating the district and there is no one with authority to take it over.

We have purposely made the contract with Swanson assignable so that prior to approval by the state and local regulatory agencies, you may apply for approval to run the District yourselves, should you desire to do so. As with everything, there are pros and cons to either solution.

Thank you in advance for the patience you've shown thus far, and remember that all transitions are temporary. Whatever decision is ultimately made, this crisis too, shall pass.

Honey Bernstein

Deputy Supervisor Roberts introduced Joseph Klopchin, who oversees our water districts, and said he was invited here as a contractor and an interested party as he may very well be a candidate to run your system. Deputy Supervisor Roberts also introduced Joseph Henry and James Fitzsimmons engineers from Dufresne Henry and Ed Sims from the Orange County Health Department.

Deputy Supervisor Roberts addressed the group saying the Board's goal tonight was to give good honest information to help you decide which way you want to go. He said there are rumors being spread that the Town of Goshen wants the water, is going to sell it to someone, etc. He said none of this is true. The Town of Goshen has no benefit which ever way it goes said Deputy Supervisor Roberts. He asked if the organization had a Board of Directors? Mr. Rudy Rienzo replied yes and presented the Board with a list of Board Members. As President, Mr. Rienzo said he would speak for his group. Attorney Cappello suggested the engineer and the Board of Health should speak first to clarify some of the information given at the last meeting. The Deputy Supervisor asked Mr. Fitzsimmons to speak first.

Mr. Fitzsimmons made a brief review of his prior findings and said that Ed Sims of the Orange County Department of Health had made an inspection of the facilities and generally agreed with the list of improvements his company had developed, minus the auxiliary power and replacement of hydrants, which would save only a limited amount of money from the grand total cost of his preliminary report. He said there are repairs that need to be done prior to the system failing, for if it fails the costs will be far higher. He said the repairs could be done over a period of time in phases. Deputy Supervisor Roberts asked how much time, are we talking three months, three years? Mr. Fitzsimmons replied a few years. He estimated three to five to bring the whole system up to par.

Mr. Fitzsimmons stated he had heard rumors about the Town selling water from the district, but this would be technically unfeasible and the Town receives no financial benefit from a district. Deputy Supervisor Roberts explained that any funds generated from a water district, stays within that district. This money is used to upgrade, renovate and repair the water system. If a surplus of funds should occur water bills could go lower, costly repairs could increase the cost.

Deputy Supervisor Roberts called on Ed Sims from the Orange County Health Department. Mr. Sims stated the management of the water system has been poor for the last few years. He stated it virtually has no management since Mr. Swanson has said he has no desire to run the system. Since Mr. Swanson's company is virtually bankrupt the County has no recourse to enforce him to correct the system. Mr. Sims said this is why the County is recognizing the need for someone to take over the district and run it properly. He explained the Department of Health regulations, the problems with the current system and it's non-compliance with the State Sanitary Code. He spoke of the pitfalls of having an HOA running the system. He explained that the privately owned Home Owner Associations are few and create far more problems than municipal run districts. He said many of the HOA run districts happen when a developer walks away and the municipality does not want to take it over. He said there are limited financing options, almost none, for a privately owned system, where a municipality can bond to finance the repairs needed. Mr. Sims stated this system is currently out of compliance with the State Code and will influence anyone who owns within the district from refinancing or selling a home. He informed the residents of the many things that have to be repaired within the system to bring it into compliance.

Mr. Sims informed the residents of the problems of finances, management, bill collecting. He said do you realize you will be collecting from your neighbors, if they cannot pay, you are shutting off their water supply. He said there is liability concerns if someone gets injured or becomes sick. The Home Owners Association will be held responsible. If repairs are needed a contractor is not always available to fix them. Deputy Supervisor Roberts asked who has the oversight for a private system? Mr. Sims replied a private system would fall under the Public Service Commission. The Public Service Commission will oversee the ownership and the rates that are established. He said any rates that exist or raise in rates would have to be approved by the Public Service Commission. Mr. Sims said a change of ownership also would have to be approved by the Commission.

Deputy Supervisor asked for a representative from the Scotchtown Park Water District to speak first for the residents. He explained that everyone would have an opportunity to speak, but the Board might be able to answer questions that everyone has once through the representative.

Mr. Rudy Rienzo spoke for residents of Scotchtown Park as it's President. He stated 92% of the home owners in Scotchtown Park have voted against the Town of Goshen taking over their water system. He said they are forming a homeowner's association that will be completed within two or two and a half months at the latest. He stated at this time the association will take over the water system. Mr. Rienzo said the association has a consulting engineer, a water specialist and an attorney. He said he has been in contact with the Town, the Orange County Department of Health and the Department of Public Service. He said the association is in the process of getting everything done and they have the proper people to do it. Mr. Rienzo said what he was asking now is for the Town to withdraw and let the association proceed. He said he has met with Mr.

Swanson and has obtained a key to the well so his experts could have access. Mr. Rienzo said that according to the Department of Public Service before he can proceed the Town has to back out. Mr. Rienzo stated he would be getting a joint pardon letter and meeting with Mr. Swanson so that it can be signed and stamped.

Deputy Supervisor Roberts said he could not speak for the Board, but he was behind the association and the residents 100% and he wished them well. He stated the Board is not the enemy here, but only wanted to be sure the residents had a clean working water system. Deputy Supervisor Roberts asked Attorney Cappello if there would be any legal reason why the Town would not be able to step aside. Mr. Cappello stated he knew of no personal problem, but the Town does have a contract with Mr. Swanson. He stated however, that the contract is assignable. Mr. Rienzo said he understood there was a clause in the contract that said if the homeowners wanted to take it over the Town would step aside. Mr. Cappello replied saying there is that clause to assign it. However, he stated that the repairs need to be done soon and the Town would be able to act now. Mr. Rienzo replied the association would be taking over the system as of September one and Mr. Swanson will be taking care of it until the association is approved.

Attorney Cappello stated there are many agencies involved here that have to approve the Homeowners Association and the over taking of the system. He said there are other parties involved, not just the Town. He said whatever path is chosen, the Town's place would be to make the path as smooth as possible to come to that end. He suggested the association meet with the Town Board bringing with them their engineers, attorney, etc. to have a work session. It was agreed a meeting would be set up and the Health Department and the Department of Public Service should be included.

Deputy Roberts asked for comments from the public and David Wiener asked if anyone had the second letter that was sent to the residents of Scotchtown Park from the Town. No one had the letter, but Mr. Wiener stated the letter said the Town was going forward with the purchase of the well. The Board was not aware of what was in the letter.

Councilman Bloomfield stated what has been said by the Town tonight is that we have no axe to grind one way or the other. If you want it, if you can do the work, if you can meet the requirements to do it, its yours. He said the Town Board is not going to stand in your way, that was why the assignment was put in the contract, so it could be passed on to you if you could do it. He said all the Board ever wanted for the residents was that they would have healthy, clean water.

Deputy Roberts said the Town Board has five members and tonight only three are present. Mr. Rienzo asked if he sends a letter to the Public Service Commission it has to state that the Town is no longer involved and he does not want to be denied because the Town is still involved. Attorney Cappello replied the Town does not have an application before the Department of Public Service. However, he said the only ones that can apply to the Public Service Commission are a water company, a HOA, a water transportation corporation or a municipality. Attorney Cappello said if you are not one of the three? Mr. Rienzo said I am. Attorney Cappello explained that they are not a Homeowners Association yet and again tried to explain the schedule of events that must take place before the homeowners will be able to take over. He said at this point it is up to the Public Service Commission to say what they will allow the homeowners to do and how it will proceed.

A resident asked what would happen if the Homeowners Association fails would the Town take the water system over? Attorney Cappello said this would be up to the Public Service Commission. Deputy Supervisor Roberts asked Mr. Cappello if the Town was obligated to take over a water system if it fails. Attorney Cappello replied that municipalities turn away from taking these failed systems over. He said the fact that the Town is even considering it is good for the residents.

There was a general discussion of the pros and cons of the Town versus the Homeowners Association taking over the system. The Scotchtown residents present were adamant in their desire to maintain their own system. A gentlemen asked if the original costs of the repairs that were quoted by the Town at the previous meeting had changed. Attorney Cappello replied the amounts spoke of were for total repair, work to be done over time, a five year plan. Mr. Farfalla said the Homeowners Association would be taking the repairs little by little as they need to be done. He said they would be flushing the lines which has not been done for thirty years. He asked where was the Town and County then? Attorney Cappello replied that the Town could do nothing where a private water company is operating unless they are asked. Mr. Farfalla said the State and County has known this was going on for years and did nothing. He said now the residents are going to do it themselves.

Deputy Roberts stated again that the Board is totally behind anything the residents want to do. Attorney Cappello said he would contact Mr. Rienzo on Monday and start making arrangements for the meeting.

With no further comment from the floor Councilman Cappella moved to go into executive session to discuss personnel and possible pending litigation. Motion seconded by Deputy Supervisor Roberts. Motion carried 3 to 0.

Adjournment: 9:15 p.m.

Valma Eisma, Town Hall

