

The Regular Meeting of the Town Board of the Town of Goshen was held on the 8th day of March, 2007 at 7:30 p.m. in the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:

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

Also Present: Dennis Caplicki, Town Attorney

A. CALL TO ORDER

Supervisor Bloomfield called the meeting to order at 7:30 p.m. and asked the Town Clerk to lead the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA: Supervisor Bloomfield said an amendment would be added relative to the memorandum the Board examined in January pertaining to zoning and coding modifications. This will be placed under new business.

C. PRIVILEGE OF THE FLOOR (agenda items only) NONE

D. PUBLIC HEARING: WATER DISTRICT NO. 1 (HAMBLETONIAN PARK WATER DISTRICT) WATER MAIN REPLACEMENT

Councilman Canterino made the Motion to open the Public Hearing at 7:35p.m., the Motion was seconded by Councilman Newbold. Motion carried unanimously.

Reynell Andrews asked Supervisor Bloomfield to explain the reason for the additional funds. Supervisor Bloomfield said the original bid to replace the antiquated water mains in Hambletonian Park was \$600,000.00. After the process of the Public Hearing, etc., the Supervisor was authorized to borrow the \$600,000.00. Shortly thereafter Congresswoman Kelly announced she had obtained a \$300,000.00 grant for Hambletonian Park. Unfortunately, when she was not re-elected the money later was not approved by the Senate. Supervisor Bloomfield said he has approached the newly elected Congressman Hall and asked for \$450,000.00. Congressman Hall said he would make the request a high priority.

As construction of the pipe line progressed large amounts of rock were found and had to be removed and taken away. The first payment for this was \$125,000.00, which brought the total cost now up to \$ 725,000.00. The pipes

are in, but the hookups to the individual homes still have to be done and there will surely be more rock present. Therefore the need for the additional \$300,000.00, which now brings the total cost to \$900,000.00. The entire amount may not be needed and won't be used if not necessary.

Mr. Andrews asked how many homes would be serviced and the Supervisor replied Section A, but was not sure of the number of homes.

Jerry Boss asked who would be paying this money back, Supervisor Bloomfield replied the residents of the water district.

A Motion was made by Councilman Newbold to close the Public Hearing at 7:59 p.m. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

1. RESOLUTION AUTHORIZING INCREASE AND IMPROVEMENT OF FACILITIES

At a meeting of the Town
Board of the Town of Goshen
Orange County, New
York, held in said Town on
March 8, 2007

In the Matter

Of

The Increase and Improvement of Facilities of the
Town of Goshen Water District No. 1, a/k/a
Hambletonian Park Water District in the Town of
Goshen, Orange County, New York, pursuant to
Article 12 of the Town Law.

PRESENT: Supervisor Bloomfield	Councilman Lyons
Councilman Canterino	Councilman Cappella
Councilman Newbold	

WHEREAS, this Board has received and reviewed an engineer's map and report concerning the replacement of antiquated water mains, which report includes discussion of necessary excavation, trenching, backfilling, etc. associated with such work within the Town's Water District NO. 1, which map

and report were prepared by Fusco Engineering and Land Surveying, P.E., competent engineers duly licensed in the State of New York; and

WHEREAS, this Board duly caused the posting and publication of notice of public hearing concerning said increase and improvement of facilities of the Water District; and

WHEREAS, said notice specified March 8, 2007 at 7:30 p.m., at the Town Hall, as the date, time and place of the public hearing and further specified that the revised maximum cost of said increase and improvement of facilities is \$900,000.00; and

WHEREAS, a public hearing was duly held on March 8, 2007 at 7:30 p.m., and all persons interested were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED that said revised cost of the increase and improvement of facilities is in the public interest and is hereby authorized and approved. Preparation of definite plans and specifications and contracts for the work associated with the replacement of the water mains is directed. All costs and expenses which shall not exceed \$900,000.00 shall be charged against District properties and shall be assessed, levied and collected in the same manner as other charges against the District.

IT IS FURTHER RESOLVED that the Town Clerk is directed to record a certified copy of this Resolution in the Orange County Clerk's office within ten (10) days hereof.

The adoption of the foregoing resolution was duly put to a vote as follows:

	<u>AYES</u>	<u>NAYS</u>
Supervisor Bloomfield	AYE	
Councilman Lyons	AYE	
Councilman Canterino	AYE	
Councilman Cappella	AYE	
Councilman Newbold	AYE	

The Resolution was declared duly adopted.

Dated: March 8, 2007

2. AID TO LOCALITIES RESOLUTION FOR HAMBLETONIAN PARK INFLOW STUDY

Supervisor Bloomfield explained this involves the Hambletonian Sewer District. He said Senator Larkin gave the Town \$60,000.00 in a grant to conduct an I & I Study at Hambletonian Park. As part of the process of accessing that money, a Resolution called "Aid to Localities" is needed as an administrative formality and is to be returned to Senator Larkin's office.

AID TO LOCALITIES

RESOLUTION

Resolution Authorizing the Signing of a State contract for an Aid to Localities Project, under the Appropriate Laws of New York State.

WHEREAS, The Town of Goshen herein called the "municipality," after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in the State Contract, herein called the "Project" is desirable, in the public interest, and is required in order to study and/or implement the local project or program; and

WHEREAS, under Chapter 55, Section 1, of the Laws of 2006 relating to the Local Assistance Budget, the Legislature has authorized financial assistance to localities for services and expenses related to local projects, programs and studies by means of a written agreement; and

WHEREAS, the Municipality has examined and duly considered Chapter 55, Section 1, of the Laws of 2006 relating to the Local Assistance Budget and deems it to be in the public interest and benefit under this law to enter into a contract therewith.

NOW, THEREFORE, BE IT RESOLVED BY the Town Board of the Town of Goshen

1. That the Supervisor is directed and authorized as the official representative to act in connection with any contracts between the Municipality and the State, and to provide such additional information, as may be required.

2. That one (1) certified copy of this Resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York, together with the State Contract.

3. That this Resolution take effect immediately.

Councilman Canterino made the Motion to accept the Resolution as read.
Motion Seconded by Councilman Lyons.

Upon Roll Call Vote:

Supervisor Bloomfield	AYE	Councilman Canterino	AYE
Councilman Lyons	AYE	Councilman Cappello	AYE
Councilman Newbold	AYE		

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

E. OLD BUSINESS: NONE

F. NEW BUSINESS:

1. Authorize New Hire, Steven Eubanks as Full Time Water and Wastewater Maintenance Worker at \$19.91 per Hour

Councilman Newbold made a Motion to authorize the Supervisor to hire Steven Eubanks as a full-time Water and Wastewater Maintenance Worker at \$19.91 per hour. The Motion was seconded by Councilman Canterino. Motion carried unanimously.

2. Authorize Town Clerk and Deputy Town Clerk to Attend Town Clerks Association Conference April 29 through May 1.

Councilman Canterino made a Motion to authorize the Town Clerk and Deputy Town Clerk to attend the Town Clerks Association Conference April 29th through May 1, 2007 at a cost not to exceed \$1,200.00. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

3. Set Public Hearing For Scotchtown Park:

PUBLIC HEARING TOWN OF GOSHEN SCOTCHTOWN PARK

Introduced by: Councilman Philip Canterino
Seconded by: Councilman Louis Cappella
Date of Adoption: March 8, 2007

PLEASE TAKE NOTICE that the Town board of the Town of Goshen will hold a Public Hearing at 7:35 p.m., or as soon thereafter as the matter can be heard, on the 22nd day of March, 2007 at Town Hall, 41 Webster Avenue, Goshen, New York on a proposal to authorize and advertise for bids for the purchase and installation of water meters in all residences in Scotchtown Park in the Town of Goshen.

The Town Board will at the above time and place hear all persons in favor of or in opposition to the proposal (s).

Valma Eisma, Town Clerk
Town of Goshen

Vote: Resolution carried 5 to 0

4. Wardell & Tasha Void – Water/Sewer Account – Hardship Request

Supervisor Bloomfield explained Mr. and Mrs. Void have a history of fairly constant readings for their water/sewer account in Arcadia Hills. They have always managed their account in a timely fashion and do not let their invoices levy to the County. He explained two quarters of excess usage were recorded in February and May of 2006. When the May invoice went out the Voids contacted the Town to come out and check their meter. The meter was checked and found to be in working order. The Voids hired a plumber to fix some minor leaks, however the meter was continuing to display high readings. A new meter was installed and the readings decreased to a lower level.

A large sum was levied to the county and the Voids have just paid the tax bill to prevent a larger penalty, and also paid the current invoice and the second special billing. They are suffering a financial hardship and asking the Board for some relief. Joseph Klopchin, administrator to the Water/Sewer Districts suggested

the meter that was taken out be tested, but with the passage of time, it could not be located to do so.

The Supervisor went on to explain the Town's policy is that water pulled through the meter for what ever reason is invoiced, because it is drawing from the district's supply. However, leaks from heating sources, etc., do not go through the sewer system. The Supervisor asked the Board for their feelings on helping the Voids.

Councilman Canterino felt the ordinary bill was 29,915 gallons and spiked to 82,653 gallons in the winter, where there was no watering of lawns or filling swimming pools. He said there was no indication the Voids had done anything wrong and the new meter brought the consumption down to where it had always been. He said he felt the Voids should not be penalized and should not have to pay the bill.

Councilman Lyons was disappointed the old meter could not be tested and said his concern now is setting a precedent. He said he would like to help these people, however not set a precedent for those who might have leaks they have not addressed. The possibility of setting a precedent was discussed with the attorney.

Councilman Cappella said this is not the first time this has happened, he said precedents have been set and the Board has done research, and he knows of many people who have come forward and been denied. They were denied due to the fact they had used the water. Councilman Cappella said this may be one of the first times the Board could see the meter was bad, therefore he would agree to reimbursing the Voids in some way.

Councilman Newbold said he also would have liked to have the meter tested and he spoke with United Water and was told a faulty water meter usually measures less usage instead of more. I would like to help these people, but I would have a tough time voting for compensation as I want to be fair to the other members of the district.

Supervisor Bloomfield suggested the Voids pay for the water, but not the coinciding sewer. He said although he had heard the same thing in reference to the water meter, there are always exceptions to the rule. The new meter was installed and the consumption came back to normal. Supervisor Bloomfield made a Motion, in regard to the Wardell and Tasha Void water/sewer bill, in reference to the two quarters of billing, that we forgive the sewer bill, based on their highest average water usage in the past and that we not forgive the two quarters based on the high readings of 82000 plus or minus. Councilman Lyons seconded the Motion for discussion. He said what we are saying here is that the sewer bill will come down, in general terms from 89000 to 29000 and that would be deducted off of the bill? Supervisor Bloomfield said the water

would not go through the sewer if the hose was left on or there was some other careless type of leak. Supervisor Bloomfield called the vote. Motion carried by a vote of 4 to 1, with Councilman Canterino saying nay.

G. FINANCE:

Councilman Canterino made a Motion to authorize the Supervisor to pay Voucher #2007-0175 to Voucher #2007-0289 amounting to \$79,515.48. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

H. AMENDMENT: Zoning Code Modifications/Changes/Amendments

Supervisor Bloomfield explained that last October and November the Town Board hired Attorney Dennis Caplicki as a special attorney to look at our zoning, coding, water protocols and all the things we use to manage the build out of Goshen. He said on February 14th, 2006 the Board met in a special meeting to discuss having a Traffic Study and they went around the room and talked about other issues such as building, coding, and the build out of Goshen. In that meeting there were our attorneys, planners and our engineers. They all heard all the concerns. As the year progressed, the number of units before the Planning Board increased, more Public Hearings were held giving the Board more public concerns. That was when the Board decided to hire Attorney Caplicki. In January Attorney Caplicki provided the Board with a memorandum with information regarding zoning, coding modifications, changes and amendments to the scope of everything. Having given the Board time to review the other, Attorney Caplicki has now presented the Board with another Memorandum.

Supervisor Bloomfield made a Motion to accept these findings that are in this written document tonight regarding the zoning and coding areas the Board is working on, the findings we have found to date. To include some water protocol information that will be forth coming. That we accept these findings and they be made available to the public. Councilman Canterino Seconded the Motion. During discussion Attorney Caplicki stated the Board has been listening to the public's concerns and complaints through the years and it is time, by law, that our Comprehensive Plan be reviewed and the infrastructure examined. He explained these are the findings that the general text of the code will come from. The water protocols should be ready for an April meeting.

Attorney Caplicki answered questions from the Board, stating this is a road map, you are not necessarily adopting all of the bullet points in it. He said this summarizes the peak areas of concern, these are proposals that may or may not be codified to make a subsequent local law. He said by adopting this it does

not mean this is the exact route you are taking. The memorandum was discussed at length and will be available to the public in the Town Clerk's Office. Supervisor Bloomfield called the vote, Motion carried unanimously.

H. PRIVILEGE OF THE FLOOR:

Susan Bloom asked, in reference to the traffic study, "when you get all this information together, are you going to share it with the other municipalities such as the State, County, etc.?" She said she would hope everyone would work together on this for the public's safety. Supervisor Bloomfield said the Board planned on sharing it with all and would seek cooperation from all to do what can be done for the safety of the citizens of Goshen.

Jerry Boss said at another meeting he had asked if there were any other firms interviewed when the new attorney was selected. He said he was told no, that was the way the Board wanted it. He asked if any other firms were interviewed for the special attorney position Mr. Caplicki filled. Supervisor Bloomfield replied Attorney Caplicki was the Special Council for Building & Coding. Mr. Boss asked if the position had been advertised. Supervisor Bloomfield replied "no the Board knew who they wanted for it."

Mr. Boss said in reference to the Void water problem, "there is no precedent here, you or someone lost the meter." Since you lost the meter they should not pay anything.

Mr. Boss said in reference to the traffic study, the town has been doing studies on everything for years. Supervisor Bloomfield said the traffic study was something the Board had to do in order to put together the infrastructure for the Master Plan. Mr. Boss did not feel the State, County, etc. would cooperate in reference to the traffic study. Supervisor Bloomfield said at least the Board could do whatever they could do themselves to make things safer for the public.

Mr. Boss said there are two tools to help, the Planning Board and zoning. He said also to use the two other tool, State Law and Town Law.

John Mirra said he was President of Little League for nine years. He said in that nine years Little League spent, out of their members' pockets, almost every improvement we made at the park. "We needed a fence for safety, we put it up, we needed a girl's scoreboard we had to pay for it." He said last year Little League and Soccer had to build their own shed at a cost of \$12,000.00. He said last year someone wanted to give Little League \$8,000.00 for a scoreboard for the boys and they were not allowed to put it up. He says the public does not see this and he would like to put it on the Town Boards' agenda so he could invite

all 3,000 of the Little League Community to see who votes no, “so when it comes to election they know all that’s going on.”

Supervisor Bloomfield said the Town Board is spending the money. He said the Town spends \$75,000.00 and the Village spends \$75,000.00 on the parks each year. This is for the maintenance of the parks, insurance, repairs, etc. He said Capital Improvements, such as the expanding of the kitchen, are taken out of parkland fees. Councilman Canterino said he had reported the Town Board had made a commitment to help with funds for the kitchen and the dugouts. There was a lengthy discussion on the parks and the Town’s participation in supporting them.

Supervisor Bloomfield said in regard to the scoreboard, the Town Board does not want advertising placed in the park. A plaque of appreciation is fine, but no advertising. Councilman Newbold said when it comes to advertising the Board members have to vote no, as it is now a State Law saying we can’t have it. Councilman Canterino said the contributions from Little League were greatly appreciated, “however, you have to understand the Little League has 800 members and are the largest users of the fields.”

H. ADJOURNMENT: Supervisor Bloomfield made a Motion to go into Executive Session to discuss PBA Negotiations with no intent to return. The Motion was seconded by Councilman Canterino. Motion carried unanimously.

TIME: 8:55 P.M.

Valma Eisma, Town Clerk