

**TOWN BOARD WORKSESSION
AUGUST 6, 2007**

PRESENT:

Douglas Bloomfield	Supervisor	Louis Cappella	Councilman
Philp Canterino	Councilman	Kenneth Newbold	Councilman

ALSO PRESENT: Dennis Caplicki, Town Attorney

ABSENT: George Lyons, Councilman

Supervisor Bloomfield opened the meeting at 7:30 p.m.

ITEMS DISCUSSED:

1. INTERSTATE WASTE MANAGEMENT PROPOSAL – LAWRENCE

SCHELLINGER: Mr. Schillinger, Attorney for IWS Transfer Systems addressed the Board stating they were here last June to meet with the Board in regard to gaining a little more capacity through it's facility. He said he and Ron Benson, Vice President of Interstate Waste, are here tonight to try to work out a host community agreement with the Town of Goshen.

Attorney Schellinger stated one of the things discussed in June was the condition of Hartley Road. He said IWS proposes direct funding in an amount not to exceed \$300,000 for the cost of improvements to re-surface Hartley Road from its intersection with Route 17M for an approximate distance of one-half mile to a point beyond the entrance to the transfer facility.

He said in addition to that they were offering a Host Community Fee to the Town proportional to the tonnage of municipal solid waste accepted at the facility. Assuming an eighty-five percent capacity factor and a per ton fee of \$.50, an annual benefit of at least \$100,000 would to the benefit of the Town.

Councilman Cappella asked about the current capacity the company is handling.

Attorney Schillinger answered, currently the Harley Road transfer facility is presently permitted by the Town and the New York State Department of Environmental Conservation (NYSDEC) to accept a maximum of 600 tons per day of municipal solid waste, not to exceed 2,370 tons per week. I WS is proposing a permit modification to authorize a throughput increase of seventy-five percent resulting in a maximum daily throughput of 1050 tons and a maximum weekly throughput of 4147.5 tons.

Attorney Schillinger said a full Environmental Assessment Form will be prepared to accompany the application to modify the facility permit for a throughput increase as discussed. He said the proposed permit modification will result in an increase of approximately forty-five refuse vehicles per day at an average rate of five per hour. Also an approximate increase of eighteen long-haul vehicles will access the facility on a daily basis to transport MSW for out-of-state disposal.

Attorney Schillinger and Mr. Benson answered many questions for the Board involving traffic, etc. Councilman Canterino said there are many factors to consider. He said the road will continue to need maintenance with more trucks traveling it daily. Mr. Benson said he has a very good road company, out of Albany, and he would have them come down and inspect the road. Mr. Benson said a request for ongoing maintenance could be addressed. Supervisor Bloomfield asked if there would be an extension of business hours. Mr. Benson replied no.

Councilman Canterino asked if “down the road” the company would be looking for an expansion with the increase of capacity. Mr. Schillinger said there are two parts of the approvals. He said there is the fact that that Town has its own Solid Waste Permit, the ADD permit the facility has to go through and also this would be deemed as a major modification and the DEC will now come into the picture.

Supervisor Bloomfield stated this is a very sensitive issue and he would like to have a couple of the Board members work with the Attorney, perhaps the engineer, etc. to take the proposal and work through it. He said, then get back together to decide if the Board wants to go further with this proposal.

Attorney Schillinger and Mr. Benson thanked the Board for having them this evening and invited the Board to come to visit their facility in Hillburn, New York or come out any time to visit the Goshen facility.

2. HAMBLETONIAN GROUP – AL LIPMAN: Attorney Lipman approached the Board stating the subject he was here to discuss is the Hambletonian Subdivision, and involves Section F. He said it is the remainder of a subdivision that happened many, many years ago, approximately thirty years. He felt this was too long for a developer to have to wait. He said the group has been suffering through two successful litigations, and they responded with a plan that meets the criteria of the current zoning and the residents of Hambletonian Park are “fundamentally supportive” as the plan calls for larger lots.

Mr. Lipman said the new proposal will make a number of changes that will affect the group, as the Board is planning on rezoning two parcels from Hamlet to RU. Supervisor Bloomfield asked Mr. Lipman to review the plan he has now with the Board. Mr. Lipman explained there are thirty eight homes planned and six acres of open space. He provided a map for the Board to examine. He said you propose to delete Section 97-15B3 in its entirety. He read the section to the Board.

Section 97-15B 3: To achieve this open space set-aside, the Planning Board shall condition its approval of individual developments on the protection of open space in amounts appropriate to each parcel. These amounts may be different percentages on different parcels, provided that an applicant proposing less than 50% open space must secure the balance of the required open space by a conservation easement on other land in the TND area or on land in the RU District located within ½ mile of the development parcel. The total amount of open space preserved on the applicant's parcel plus the other land shall be equal to 50% of the area of the applicant's development parcel. A maximum of half of the applicant's required open space land (i.e., 25% of the area of the development parcel) may be located in the RU District. Preservation of open space land must be secured either by a conservation easement or by dedication of the land as parkland.

Mr. Lipman said the TND area includes everything zoned Hamlet. He pointed to a section of wet lands he said could be used for open space to meet the Groups requirement for open space. He said in their plan they relied on this constrained land. He said without this land the Group will be unable to produce the kind of development that will be appealing to their neighbors. He asked that the Board leave the property zoned "as is" as they will then be able to use this parcel that has already been pledged as open space by the owner, Heritage Estates. Councilman Cappella asked for clarification, and asked "this parcel you are talking about is not your land?" Mr. Lipman replied no. Councilman Cappella said "you are going to use that as part of your donation of open space?" Mr. Lipman replied that is the way the plan is structured now. Councilman Canterino stated "I know it's constrained, but there is a difference between it being yours and being constrained." Mr. Lipman again referred to the existing code, which states "other Lands". The Board discussed the fact that the land does not belong to the developer or land owner and could be used in all other developments. Mr. Lipman pointed out, "it can only be used in Hamlet Zones."

The question also arose as to whether Heritage Estates was given bonuses by using the same parcel as open space. Councilman Canterino pointed out that if Heritage Estates used it to obtain more bonuses it should not be used again. He said "it has been used by a different developer, period". A lengthy discussion ensued.

Supervisor Bloomfield stated "you would like this kept HR?" Mr. Lipman said there is only one more option. If this section is removed from the code, his client will have no choice but to change the nature of the development, and "I assure you, not because we want it to have this effect, it will not please our neighbors." Mr. McDermott, owner of the property, said if the plan changes he will be unable to connect with Magic Circle Drive and keep a traditional neighborhood design.

Supervisor Bloomfield spoke "I did not understand you were going to use someone else's land as part of your open space." The rest of the Councilman agreed. Mr. McDermott said it was presented to Rick Golden, Attorney, back in the 80s. Supervisor Bloomfield said I feel that we as a Board need to get together and discuss this. Attorney Caplicki suggested the Board should also discuss it with the planner.

3. ESTATE OF DICKERSON CONSERVATION EASEMENT: Supervisor Bloomfield explained the easement was presented to the Town Board in December of 2006 by their Attorney, Douglas Jones. At that time the attorney could not answer some of the questions the Board asked. Attorney Caplicki has been in contact with their attorney and informed him of the details needed by the Board. Attorney Caplicki said they are ready to move on now and it should be ready to go on the agenda by the end of this month. The Board discussed the delays that have taken place with this proposal and wondered why the delay. Attorney Caplicki answered, “their project has changed, they have changed attorneys on the estate, and they have changed the application”. He explained he is working with the other attorney to get things done.

4. D. ANDERSON INC. –RESQUEST FOR TOWING/RECOVERING WORK: Supervisor Bloomfield explained the company is asking to be placed on our list for towing/recovering and asked the attorney how this should be handled. Attorney Caplicki stated the plan, now in place, calls for him to make the request and it will be turned over to the Police Department to verify his background and if their past history is acceptable and the Board approves, he can be added to the circulating list. It will be referred to Councilman Lyons and he will be asked to obtain the current list in use at this time.

5. TOWN OF WALLKILL REQUEST TO WAIVE \$2,000 ESCROW: Supervisor Bloomfield reported the Town of Wallkill is asking the Town to waive a \$2,000 escrow required for a project they are doing in the Town of Goshen. He said originally it seemed to be a simple lot line change, however upon looking closer it seems like a lot more. Although it is common for one municipality to do this for another, the fact that we are in litigation with the Town of Wallkill was addressed. There was a lengthy discussion and while the Board feels Wallkill has not been that cooperative with the Town of Goshen, the need to respect other municipalities is important. The item will be placed on Thursday’s agenda.

6. TOUR DE GOSHEN REMINDER – AUGUST 19, 2007: Supervisor Bloomfield stated everything is in place for the tour and he just wanted to remind everyone.

7. ARCADIA HILLS – “CHILDREN AT PLAY” : Supervisor Bloomfield asked Attorney Caplicki to report on this. Attorney Caplicki said he was not sure what Highway’s concerns are as the overriding benefit to the community to post signs such as Children At Play far out weighs any other concerns that may be expressed. Supervisor Bloomfield said he took a ride through the development to observe and saw a car coming up over the hill going far too fast down to the red light. He said he felt signs there would be helpful. The Board discussed the whole situation and felt four signs would be best. A resolution will be placed on Thursday’s agenda to authorize the four signs.

8. DANA DISTRIBUTOR TAX CERT RESOLUTION: Supervisor Bloomfield explained this resolution was passed in a prior meeting, however the attorney for Dana Distributors had the wrong figures in the Resolution and had not conferred with our assessor as to their accuracy. He said our assessor took the figures and compared them to

the actual tax bills from the County, and found out there was a discrepancy in the figures. Therefore, a corrected Resolution will be required. Councilman Canterino said he could not see where the fire companies were broken out as was requested and the Board did not feel the Resolution for tonight is accurate. Supervisor Bloomfield will consult with the Assessor in the morning and have an accurate Resolution for Thursday nights meeting.

9. FOIL PROCEDURE CLARIFICATION: Attorney Caplicki explained he had circulated a procedure to be used when a foil is submitted. He explained they have to be done promptly and cannot be ignored. He said this should help everyone realize just how important a foil request is and that all should be referred to the Town Clerk's Office.

10. ORANGE COUNTY UNITED WAY REQUEST FOR "DAY OF GIVING": Supervisor Bloomfield said the Board has been asked to take part in the Orange County's United Way "Day of Giving" to be held on Friday, September 7th. He said most of our employees will be working and unable to participate, but anyone who would like to take part can take a personal day, etc. and he is just reminding the public and the Board members.

11. 2007 COUNTRY ROAD TOUR – 9/9/2007: Supervisor Bloomfield reported he had received a letter from Robert Daily informing the Board of the 2007 Country Road Tour, part of the tour will be passing through the Town of Goshen in the area of the Tuttle Farm. Mr. Daily provided the proof of insurance along with his letter. The Board will send all of it along to the Police Chief.

12. RIGHT TO KNOW/HAZARD COMMUNICATIONS TRAINING: Supervisor Bloomfield reported the training will take place on Wednesday, August 8th. Classes will be taught from 9:00 a.m. To 11:00 a.m. and the second from 11:00 a.m. to 1:00 p.m. A State Representative will give the Right to Know training and our Police Officer Richard Walls will be giving the Hazard Communications Training. Both courses are required by law for all employees.

13. HOUSTON ESTATES SUBDIVISION – STORM DRAINAGE DISTRICT: Attorney Caplicki said it will be handled the same as the Persoon proposal and the Board should set a Public Hearing possibly on Thursday for a September date and leave the Hearing open until the development has been built out. Councilman Canterino expressed the concern the Board has for not assuming responsibility for all of these proposed districts and the Board's desire to see homeowners associations formed or drainage be engineered so as not to create these districts. Attorney Caplicki said going forward the Board can do this, but these are already created by the current code.

14. ANY OTHER ITEM OF INTEREST TO THE BOARD: Councilman Newbold reported he received a complaint that the Goshen Humane Society was closing it's doors for two weeks. He said he left a message to contact him so that we can tell the public why it is closed. He said there are people attending the animals that are there, but the

answering machine says they are not accepting any animals at this time. Councilman Newbold will try to find out what is happening.

Councilman Cappella said he would like to have the comments from the Planning Board to review before the Public Hearing on the 29th of August. Attorney Caplicki said the Planning Board meets prior to the special meeting, but perhaps they should be given a reminder. Supervisor Bloomfield said he will speak to the Building Inspector in reference to their review.

15. APPROVE MINUTES OF WORK SESSION OF JULY 23RD, REGULAR MEETING OF JULY 12TH AND JULY 26TH.

Councilman Canterino made a Motion to accept the minutes of the Work Session of July 23rd, Regular Meeting of July 12th and July 26th. The Motion was seconded by Councilman Newbold. Motion carried 4 to 0.

16. EXECUTIVE SESSION: Supervisor Bloomfield made a Motion to go into Executive Session, to discuss the following:

1. SRO Contract Status
2. Dr. Serdarevic Litigation Status
3. Myruski Conservation Easement/Closing Status
4. Sullivan Litigation Status
5. Retroactive Pay For Dial-A-Bus Driver
6. Hiring Resume For Part Time Accounting/HR Clerk

with intent to return. The Motion was seconded by Councilman Cappella. Motion Carried.

Time: 9:10 p.m.

Supervisor Bloomfield reconvened the meeting at 9:40 p.m.

Supervisor Bloomfield explained when the contract for the Town of Goshen Unit #7926 dated December 4, 2006 Dial-A-Bus Driver Thomas Speckman and Transportation Program Assistant Michele Radakovits, who are covered by this contract and were added to CSEA, were overlooked in the step chart. Upon discovering the error these corrections were made retroactive: The Supervisor also explained that these positions are 90% subsidized by federal and state funds and the remaining 10% is shared between three Chester, Hamptonburg and Goshen.

Michelle Radakovitz:

2001	2002	2003	2004	2005	2006
\$1,542.40	\$2,704.96	\$2,708.40	\$4,151.14	\$4,452.70	\$2,635.03

Total Gross Due: \$18,194.63 --- SS: Amt. Pd.\$ (2,990.94) -- Total Due: \$15,203.69

Thomas Speckman:

2001	2002	2003	2004	2005	2006
\$ 547.20	\$1,911.20	\$1,199.16	\$3,775.20	\$5,788.59	\$3,269.84

Total Gross Due: \$16,491.19 -- SS: amt. Pd. (\$16,491.19) --Total Due \$12,485.69

Supervisor Bloomfield made the Motion to pay Michelle Radakovitz a back pay of \$ 15,203.69, and Thomas Speckman the back pay of \$12,485.69. The Motion was seconded by Councilman Canterino. Motion carried 4 to 0.

Councilman Canterino made a Motion to adjourn the meeting, Motion was seconded by Councilman Newbold. Motion carried 4 to 0.

Time: 9:45 p.m.

Valma Eisma, Town Clerk