

Town of Goshen
Town Council Work Session
August 20, 2007
MINUTES

Present: Douglas Bloomfield Supervisor
Philip Canterino Councilmember
Louis Cappella Councilmember
George Lyons Councilmember
Kenneth Newbold Councilmember

Also Present: Dennis Caplicki Town Attorney
Susan Maysels Deputy Town Clerk

Absent: None

The meeting was called to order at 7:30pm by Supervisor Bloomfield.

1. PUBLIC HEARING FOR THE CREATION OF A WATER DRAINAGE DISTRICT AT THE PERSOON SUBDIVISION.

Attorney Caplicki advised Council to move this down on the agenda since no representative from this subdivision was present yet. All Councilmembers agreed to do so.

2. SALESIAN PARK ASSIGNMENT UPDATES.

Supervisor Bloomfield asked Councilmembers to give updates on the tasks they've been working on at the Salesian property. Councilmember Canterino reported that all the requirements of the Insurance Company have been, or will soon be met. According to Trustee Cione, the final will be in this week and should be installed by the week after Labor Day. Also, Trustee Cione reported that the stone walls are, or will shortly be the required height. Bonnie Mayefsky of the JRC has ordered the signage for around the pond and elsewhere. The opening will be moved to October by the JRC. They want to have a meaningful event, and want time to coordinate a community clean-up day beforehand, involving all the folks who've volunteered to help. Regarding the gate to the adjacent Library property, Councilmember Canterino explained that Trustee Cione has the lead on resolving the gate issue. The Library wondered if the access road would be "upgraded". The Village will be filling the pot holes, but there are no other plans for road work. A problem exists with break-ins to the fenced-off school building. Almost daily, Park Maintenance Manager, Mark Warren or Village DPW is replacing the boards securing access to the school. The chain link fence surrounding the school is not keeping kids out. This is an unexpected problem that has to be addressed soon. Councilmember Canterino informed Council that an alternative vehicle entrance may be needed into the park, especially once Library construction begins. Currently, there is only a Temporary Easement Agreement with the Library, which may not work in the long run. Supervisor Bloomfield stated that it will soon be time for the Town and Village to meet again to iron out these new issues.

Councilmember Newbold reported that he has never heard back from Mr. Turi of the Fire Department regarding the use of their equipment to install a tarp on the tower to protect it from further decay. He will pursue this. He informed Council that Trustee Kevin Corr contacted him regarding the dead trees at

Salesian, especially along Route 207. Trustee Corr said that since the contractor who planted and guaranteed the trees is refusing to replace them, he suggests that the \$8800 payment being withheld be used to get replacement trees. Councilmember Newbold thought that a statement from the tree contractor was needed prior to spending the reserve funds. The statement should be in writing and state that he would not replace the trees.

Councilmember Cappella said that the Town Highway Department has done its part, but he let Trustee Cione know that she could contact them if additional help was needed.

Councilmember Canterino wanted Council to know that the maintenance of Salesian property is a big job and a lot more work than anticipated, so at budget time, funding will have to be reexamined. He also stated he will get a key to the school security fence to Mark Warren so that he can access the site when needed.

3. STATUS OF *NO PARKING* SIGNS ON FLETCHER STREET OPPOSITE BURKE HIGH SCHOOL.

Councilmember Cappella stated that the signs should be installed by the end of August.

4. FUEL TANK DISPENSING SYSTEM STATUS.

Councilmember Cappella reported that the new system was working well and the print outs are helpful.

5. WORKFORCE VIOLENCE PREVENTION & RIGHT-TO-KNOW TRAINING SCHEDULE.

Supervisor Bloomfield informed Council that two sessions of Workforce Violence Prevention training were conducted by Officer Walls on August 8, 2007 with 40 Town employees in attendance. The Right-to-Know training will be conducted by NYS Dept. of Labor trainer, Jim Cutrone on September 20th. Since all full-time and part-time employees must attend this training, Councilmembers are asked to urge department heads to ensure that all employees attend. Councilmember Lyons noted that the County also offers the Right-to-Know training a few times a year for those who miss the September 20th session.

6. HIRING OF MARGARET GUGLIOTTA AS A PART-TIME CLERK, EFFECTIVE SEPTEMBER 11, 2007 AT THE RATE OF \$14.60 PER HOUR.

Supervisor Bloomfield explained that the Budget Department has a full-time position budgeted, and this person would fill half of that. The other half of the position will be offered to part-time employee Joan Gallant, who would then become full-time and eligible for the benefits associated with the full-time budgeted position.

Councilmember Canterino made a motion to hire Margaret Gugliotta as a part-time clerk, effective September 11, 2007 at the rate of \$14.60 per hour. Councilmember Lyons seconded the motion.

Discussion followed with Councilmember Lyons confirming that part-time means 20 hours per week, or 1040 hours per year, without benefits. He also reminded Council that all new employees must be run by the Town Police Department for a background check. Supervisor Bloomfield confirmed these statements. Supervisor Bloomfield explained that Ms. Gugliotta comes to Town employment from Goshen Central School District where she handled personnel and human relations matters. She will be doing similar work for the Town, e.g. benefits, workers' compensation, unemployment, payroll, etc. relieving the Budget Officer and the Assistant to the Supervisor of these tasks.

Motion passed: 5 AYES
 0 NAYS

7. RESIGNATION OF LINDA FINNEGAN, EFFECTIVE AUGUST 31, 2007 FROM FULL-TIME EMPLOYMENT.

Supervisor Bloomfield explained that Ms. Finnegan will be working part-time for the GSCD and would like to continue part-time for the Town in the Building Department. Councilmember Cappella wants to ensure that part-time staff is scheduled to work times that are beneficial to the Town to handle its workload. He does not want the school or other employers to get preference. Supervisor Bloomfield stated that the Building Department still needs the services of a full-time person, so he would like to discuss the Department's needs further with Neal Halloran before the Council takes any action. He anticipates addressing it on the August 23, 2007 agenda.

1. PUBLIC HEARING FOR THE CREATION OF A WATER DRAINAGE DISTRICT AT THE PERSOON SUBDIVISION.

Councilmember Canterino made a motion to open the public hearing for the creation of a water drainage district at the Persoon subdivision. Councilmember Newbold seconded the motion.

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| Motion passed: | 5 | AYES |
| | 0 | NAYS |

Attorney Caplicki gave a summary of the Persoon subdivision parameters and the purpose for the creation of a water drainage district by the Town. The Persoon property is approximately 128 acres on Maple Avenue, split by Maple Avenue, with about 60 acres on one side of the road which will remain undeveloped open space. The west side of the road will hold the 26-lot subdivision. The Applicant wants to provide for ongoing maintenance and operation of the infrastructure, which will eventually be deeded to the Town. This includes two retention ponds, connecting pipes, and via a Conservation Easement, the open space. Unlike other similar subdivision arrangements, this one will not have a homeowners association, so each and every deed in all phases of this subdivision will clearly state each owner's ongoing responsibility and exposure regarding their share of costs for the district and open space. Some of the open space as well as some of the drainage system equipment will be located on residential lots sold to homeowners. Prior to the creation of the district, the Town will require the completion of the drainage infrastructure for all phases as well as two roads that are integral for access in future phases of this development. The Town will not assume responsibility for this district until phase 1 is built out, or when the developer is no longer around. Like all other districts, this one would be self-sustaining. The first phase, which is in the approval process now, contains 5 lots, and on one of these lots is a retention pond as well as one of the roads that will lead to other phases of the development. As a condition of the final approval for phase 1, this district must be formed and approved by the Town. At the completion of phase 1, the Town would take over the operation of the district. Phases 2 and 3 may or may not happen in the future.

Councilmember Canterino noted that the owners of the five lots in phase 1 would carry the entire cost of the district which has a capacity for 26 homes. This will be expensive. Attorney Caplicki agreed and added that the applicant estimates that the maximum cost per year for maintenance would be \$300 per lot per year when all 26 houses are in place. Councilmember Canterino stated that this means the first five houses will carry the full \$7,800 per year until other phases are built, if ever. This is correct according to Attorney Caplicki. That is why it is so important to ensure that every deed spells out the encumbrance. The open space arrangement remains to be determined. On the plan, the open space is the 60+/- acres across Maple Avenue plus the wetlands on lots 6 through 16 of phase 2. The lot owners of 6-16 will be responsible for maintaining the open space on their property. Of the 60+/- acres, the developer estimates that only about 10 acres is buildable, so three lots may be created over there. The remaining 50+/- acres is

constrained land because it is lowland, black dirt, drainage ditch, or wetlands. Ownership of this large parcel of open land will be an issue. The question is should the Town accept ownership of it which would take it off the tax rolls, and make the Town responsibility for maintenance and insurance coverage? Alternatively, should the open space be sliced up and attached to the three lots the developer hopes to get out of that 60+/- acres? These are questions for another day per Attorney Caplicki.

Councilmember Canterino stated that the Applicant should appear before Council to explain his plans for each phase and the open space. He is not comfortable approving this district until the developer does this.

Supervisor Bloomfield opened the floor to the public. No one in attendance wished to speak on this.

Councilmember Canterino noted that Council approval of this district is a condition of the Applicants final approval for the project. He said Council cannot give them this approval until it fully understands all aspects of the project. Supervisor Bloomfield asked Attorney Caplicki to contact the developer, Stephen C. Kunis to get him on a Council agenda. Attorney Caplicki recommended continuing the public hearing until September 10, 2007 by which time, all open issues will hopefully be resolved. Councilmember Canterino stated that the developer cannot get final approval, therefore cannot put even a stick in the ground until Council approves the district and the open space ownership is resolved.

Supervisor Bloomfield made a motion to continue the public hearing until September 10, 2007. Councilmember Canterino seconded the motion. Discussion ensued. Councilmember Lyons added that a representative of the developer should attend a Council meeting before the public hearing is closed.

Motion passed: 5 AYES
 0 NAYS

8. WATER & SEWER RATES AND BILLING ISSUES.

Supervisor Bloomfield informed Council that the water & sewer bills recently sent were produced by the new billing software and included the new rates for both water and sewer. Customers have been calling Town Hall with complaints about the increase and the lack of detail on the bill. Supervisor Bloomfield said that he believes the bill format can be redesigned to provide the level of detail desired. It would separate charges for the capital improvement assessment from usage fees. As a check on the accuracy of the new billing software, the Budget Officer has been spot checking bills at random by calculating the charges by hand. All have been correct.

Regarding rate increases for the two districts using Village sewer services (Hambletonian Park & Arcadia Hills subdivisions), the bulk of the raise is the increase in Village fees. In the Hambletonian Park district, a part of the increase is due to the new sewer line installation and new pumps. In Arcadia district, a part of the increase is due to repairs of sewer line breaks. In addition, both districts were operating in deficit, which is in violation of Town and State law. To remedy this, build a fund balance, and cover future emergencies, five percent (5%) was added to bills.

The Village sewer usage fees are a concern according to Supervisor Bloomfield. The Town receives an annual bill from the Village for service provided the previous year, and passes this charge on to district residents based on usage. The 2007 bill from the Village for 2006 service included both a share of the routine sewer plant operating costs, plus a share of the first interest payment on the new sewer plant loans. The Village does not provide a breakdown of these two categories of fees, nor does it provide an

accounting of how it arrives at the percentage of its total it charges to the Town to pass through to the two districts.

In 2008, the bill from the Village will increase again, because two interest payments will be paid during 2007 and these will not be at the introductory rate paid during year 1 (2006).

Supervisor Bloomfield has several concerns. First, he believes the Town and district residents deserve more detail and disclosure from the Village on its sewer service bills. To date, Town requests for this detail have not been answered. It seems that the only way to find out what is included in this annual bill and if the percentage charged to Town districts is accurate, is to conduct an audit. Councilmember Canterino said the Village should provide an accurate breakdown of operating versus capital charges so the Town can pass it on to users in detail. All Councilmembers agreed. Supervisor Bloomfield and Councilmember Canterino will get information on audit costs and methods, and return to Council with the info.

Supervisor Bloomfield's second concern is with the five percent (5%) added to bills to cover deficit, and build a fund balance. This percentage is an estimate that may be too large, or too small. The Town will have to keep a close eye on this and adjust as needed.

The third item of concern is the \$850,000 borrowed for the Hambletonian district to replace its water lines. Council must now decide how those payments are to be charged back to users. Should it be based on use, or a flat assessment to each household? The difference may be +/- \$15 to households. Councilmember Cappella felt that capital improvement assessments such as this should be divided equally and charged equally to the 167 homes. The new water line is a necessity for each household, something each household received equally. Both low and high water users benefit from it, so a flat amount per meter is fair in Councilmember Cappella's opinion. If capital improvement charges are noted separately on residents' bills, perhaps they can claim it as a tax deduction. Councilmember Newbold agrees with this method, and both he and Councilmember Cappella thought that this was the agreed assessment arrangement discussed at the original public hearing for the new water line. Councilmember Lyons and Canterino also agree that each household should be billed equally for capital improvements. Supervisor Bloomfield will work with staff on designing the bills to show this detail.

Potential good news for these residents is that Congressman Hall reports that the \$400,000 grant for this project has passed through the House of Representatives, and will go to the Senate in the Fall. It will be attached to some bill, any bill, and its fate will depend upon the success of that bill. It will have to make it through the US Senate and be signed by the President.

Supervisor Bloomfield reported on a meeting he attended with Councilmembers Cappella and Canterino hosted by Orange County Executive Ed Diana. The County informed area Town and Village representatives at this meeting that they were working on proposals for water service to areas within their jurisdictions. The three areas within the Town of Goshen are sections of the 17M and 17A corridors, and The Valley View Center facility. At this meeting, the Mayor of the Village of Florida and the County Executive were discussing the problems both were experiencing due to the Orange County Jail hook up to the Village of Florida's sewer plant. It was an unsatisfactory arrangement for both the County and the Village of Florida. Supervisor Bloomfield realized this could be an opportunity for the Village of Goshen to sell some of its new sewer plant's excess capacity and receive a good amount of desperately needed revenue in doing so. As a result, he wrote to Goshen Mayor Weinberger. Supervisor Bloomfield read the following letter:

Mayor Robert Weinberger
276 Main Street
Goshen, New York 10924

Bob,

I was at a meeting Friday morning with the County Executive and the Mayor of Florida to discuss water and sewer configurations within our community. I was surprised, and I must say delighted to hear, that the current sewer connection between the Village of Florida and the County jail is not going well for a myriad of reasons. In fact, both men stated it might be in the best interest of both parties if the jail sewer system is reconnected to the Village of Goshen sewer plant.

I suggest you and your board aggressively pursue this opportunity. If the Village of Goshen provides sewer service to the jail, this will allow spreading the cost of your sewer operation over more customers; thus, potentially reducing every individual customer's bill.

In addition Bob, I would like to work with you to see if we can secure grant monies from Senator Schumer, Congressman Hall and/or Senator Larkin. I have been successful in the past with two of the three with a grant from Senator Larkin and the initiation of a grant by Congressman Hall.

Bob, please let me know your thoughts on these approaches. I will work with you in any way I can.

Take care and best regards,
Douglas Bloomfield
Supervisor

Supervisor Bloomfield stated that there is potential there with the jail and the 911 center, to bring in hundreds of thousands of new dollars to help residents defray the cost of building the plant. He also said the Town has had fair luck with getting grants, so he would like to help the Village reach out for some grant money.

9. REQUEST BY ELIZABETH PATTI TO ADJUST HER SEWER BILL.

Supervisor Bloomfield informed Council that he received a letter dated August 20, 2007, from Mrs. Elizabeth Patti of 66 Wedgewood Drive in Arcadia Hills water and sewer district regarding her account # 2449-0. She had an undetected water leak in her boiler room during the past spring and summer months. The leaking water was being absorbed into the dirt floor of the room. Her water usage jumped from an average of 26,930 on the three previous bills, to 42,705 on the April 30th bill, then 92,341 on the August 8th bill. She requests relief on the sewer portion of her bill during this time period, because the water from the leak was not discharged into the sewer line, but went into the ground.

Council discussed the merits of the request and felt that it was reasonable if Mrs. Patti provides proof of the leak circumstances by submitting the repair bill. They went on to offer different means of determining the amount of credit to apply to her account. Supervisor Bloomfield offered to prepare a calculation and return to Council at its next meeting with figures. All Councilmembers agreed.

Councilmember Cappella stated that all district residents should remember that for every gallon of water used, they are charged a gallon of sewer usage. Watering lawns, filling pools, or washing cars, cost

homeowners not only for the water, but for sewer even though this water goes into the ground, not the sewer line.

10. EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS, PENDING LITIGATION AND ONGOING NEGOTIATIONS ON THE FOLLOWING MATTERS:

- a. SRO Negotiations
- b. Dr. Serdarevic Litigation
- c. Cleanup of 6 Larchwood
- d. Myruski PDR – Conservation Easement and Closing
- e. Appointment of New Assessor for Six Year Term Effective September 30, 2007.

Supervisor Bloomfield made a motion to enter into Executive Session without intent to return to public meeting. Councilmember Newbold seconded the motion.

Motion passed: 5 AYES
 0 NAYS

Adjournment to Executive Session at 9:25pm

Respectfully Submitted by:

Susan Maysels, Deputy Town Clerk