

TOWN OF GOSHEN
TOWN BOARD MEETING
FEBRUARY 12, 2009
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 12th day of February, 2009 at 7:30 p.m. at 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

Absent: Philip Canterino, Councilman

Also Present: Dennis Caplicki Town Attorney
Valma Eisma Town Clerk

A. CALL TO ORDER: Supervisor Bloomfield called the meeting to order at 7:37 p.m. and Councilman Lyons led the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA: Supervisor Bloomfield said he would like to amend number one under Old Business, which calls for a Resolution to approve the Local Laws #1 and #2. He explained that the County had sent their comments on the two laws to the Town Clerk at 5:05 p.m. Wednesday night on February 11th and the Board did not receive them until the next day, which was the same day as this meeting. Therefore, he said it was decided the Resolution to approve will be postponed until the February 23rd work session. Supervisor Bloomfield explained the comments from the County is a nine page document and the Board will need time to review it and he said, as he has said before, to all the land developers and others who have a vested interest in this, that the Board is not going to ignore anyone's input.

C. PRIVILEGE OF THE FLOOR: (agenda items only)

Howard Geneslaw addressed the Board and said he is from the Law Firm of Gibbons P. C., One Pennsylvania Plaza, in Manhattan. He said I am here tonight representing Owens Road Associates, who is an owner of property here in the Town of Goshen. He said he was coming to speak on the Local Laws #1 and #2 which has now been postponed until February 23rd. He said he was going to request it be put off, since the County's recommendations just came out today. He said he would like to make a few comments, with the understanding there might be additional comments forthcoming after they review the County's comments. Mr. Geneslaw said he is co-council on the project with Gardiner S. Barone, Esq of the firm Blustein, Shaprio, Rich & Barone, LLP. He went on to say that Owens Road is the owner in fee of certain property consisting of approximately 131.47 acres. Owens Road made application to the Planning Board for a subdivision, commonly known as Goshen Meadows (a/k/a Owens Road), consisting of 39 lots in the RU zone. He said application has been pending and under review by the Planning Board since approximately the year of 2000. He said we anticipate that a negative declaration will be issued shortly pursuant to the State Environmental Review Act (SEQRA), and that a public hearing will be scheduled immediately thereafter.

Mr. Geneslaw said there were two areas he would like to address, Density Bonus and the Well Drilling Protocol. He said Owens Road concurs with Paragraph 6 of the Orange County Planning Department Comments which urges reconsideration of the proposed elimination of the density bonus incentive. He said there were some changes made in the plan, some taken out and some put back in. He stated the Town's existing density bonus provision facilitates (a) public access to open space where such access provides a significant recreational benefit to the Town; (b) the provision of affordable housing; (c) preservation of farmland and creation of new farmland; (d) preservation of permanent open space; and (e) density transfers. Density transfers were not among the provisions that were added back. Without a density bonus program, there will be little or no incentive for developer's to provide these important community benefits. He said he would encourage the Board to reconsider the density bonus program as set forth in SS 97-20.A(3) through (5) of the existing zoning regulations, and restore it to the proposed new zoning regulations.

Mr. Geneslaw continued in reference to Well Drilling Protocol. He stated Local Law #1 would implement a new well drilling protocol which is more stringent and exacting than the requirements of the Orange County Department of Health. There is no waiver or exception provided for projects, such as Goshen Meadows, which have undertaken well drilling in accordance with the existing protocol, received Planning Board approval as to the use of that protocol, and achieved satisfactory results. Any changes to the well drilling protocol should recognize and exempt satisfactory results from tests performed under the existing protocol. He stated his client has spent several years work on their well drilling protocol with the former engineer, and then with the new Town engineer who wanted to review what had been done. Ultimately, it was approved. He said now with the new protocol, there is nothing to preclude his client from having to repeat that entire process, under the new standard, at great time and great expense.

Mr. Geneslaw said in closing he would ask that the Board should insert a new provision be put in the new Zoning regulations that would exempt projects that fall into this kind of category, where in good faith the developer has gone through the process, over a period of time, at significant expense, has received a satisfactory result, but has not completed the permitting process, but by the same token, should not be required to repeat what they have done under the new standard.

Mr. Geneslaw said he would request the Board consider putting back the density provision that is being removed and create an exemption or waiver provision that would specifically apply to those projects that have already completed their drilling protocol under the existing standard. He thanked the Town Board for allowing him to comment and said he would continue to review the County's recommendations in greater details and may have further comments at the February 23rd meeting.

Jerry Boss addressed the Board asking if this pertains to the Cerullo property? Supervisor Bloomfield replied yes. Mr. Boss suggested the Board take a good look at this property as it has numerous right-a-ways. He stated one is a farmer's right-a-way, and there is an old trolley who has right-a-ways there.

NEW BUSINESS:

1. Reality Check Smoke Free Movie Campaign – Lisa Spitzner

Supervisor Bloomfield introduced Lisa Spitzner, who addressed the Board and presented them with a folder explaining their organization. She explained that Reality Check is a youth-led movement with the New York State Tobacco Control Program that is committed to exposing the manipulative and deceptive marketing practices of the tobacco industry. She said Reality check

works within the communities to eliminate the amount of tobacco that youth and adults are exposed to via publications, movies, point of purchase advertising, and sponsorship. The program encourages teens across the state to be leaders and activists working toward tobacco free communities. She asked the Board to pass a Resolution supporting their work.

Councilman Newbold made a Motion to adopt the Resolution for Smoke Free Movies. The Motion was seconded by Councilman Lyons. Supervisor Bloomfield said he basically approved of the Resolution, but would like to have our Resolution state all tobacco products. Ms. Spitzner assured the Supervisor she would add it. Motion carried 5 to 0.

REALITY CHECK SMOKE FREE MOVIE CAMPAIGN

RESOLUTION FOR SMOKE FREE MOVIES

ORGANIZATION: TOWN BOARD OF THE TOWN OF GOSHEN, NEW YORK

WHEREAS, tobacco use is responsible for nearly 5,000,000 deaths every year worldwide;

WHEREAS, the 1998 Master Settlement Agreement was intended to prohibit tobacco companies from marketing their products in youth-marketed G, PG, and PG-13 films

WHEREAS, each year an estimated 390,000 teens start smoking because of exposure to smoking in movies and 120,000 will die prematurely as a result;

WHEREAS, three quarters of all U.S. live actions films rated PG-13 and 40 percent of films rated G or PG released 1990-2005 feature tobacco;

WHEREAS, the U.S. Centers for Disease Control and Prevention in 2002, 2004, 2005 and again in 2006, listed smoking in movies as a primary reason why the decline in teen smoking rates has stalled;

WHEREAS, youth of Orange County and across the state have collected petitions and postcards calling on major movie studios to adopt the recommendations of the Smoke Free Movie Project:

WHEREAS, the World Health Organization, American Medical Association, National PTA, American Academy of Pediatrics, American Legacy Foundation, American Academy of Allergy, Asthma and Immunology, Society for Adolescent Medicine and others-including the Los Angeles Department of Health Services, US Public Interest Research Group and interfaith center for Corporate Responsibility have endorsed the smoke free movies solution;

WHEREAS, Reality Check, a statewide youth-led and adult-supported movement out to expose the truth about tobacco and the manipulative marketing practices of the tobacco industry, is involved in raising awareness about the impact of tobacco use in films and to call on the motion picture industry to adopt four simple voluntary actions:

1. No Tobacco or Related Tobacco Products in Youth Rated Films

No new film which is rated G, PG, or PG-13 should depict or imply any tobacco products, brand names of tobacco or tobacco use.

2. Certify No Pay-Offs

The producers should post a certificate in the credits at the end of the film declaring that no one involved with production of the movie received anything of value (cash, free cigarettes or other gifts, free publicity, interest free loans or any other item of value) from anyone in

exchange for using or displaying tobacco or tobacco products in the movie.

3. **Require Strong anti-Tobacco Ads**

Studios and theater should require a genuinely strong anti-tobacco ad (not one produced by a tobacco company) to run before any firm with any tobacco presence regardless of its MPAA rating.

4. **Stop identifying Tobacco Brands**

There should be neither tobacco brand identification nor the presence of tobacco brand imagery (such as billboards) in the background of any movie scene.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Goshen, New York endorses the four goals of the Reality check smoke free movie campaign.

BE IT FURTHER RESOLVED, that this resolution shall be transmitted to the Motion Picture Association of America; to major motion picture studios and their parent corporations including Warner Brothers, owned by Time Warner; Disney and Miramax, owned by the Walt Disney Corporation; and Columbia Pictures, owned by Sony Corporation of America; the National Association of Theater Owners; New York State, Attorney General Andrew Cuomo, Acting New York State Department of Health Commissioner Richard F. Daines M.D.

PASSED AND ADOPTED this February 12, 2009

Signed: Douglas Bloomfield, Supervisor, Town of Goshen Town Hall

Supervisor Bloomfield thanked Ms. Spitzner for coming and for her presentation, as he has had experienced the danger of smoking as his father died of lung cancer.

E. OLD BUSINESS:

1. Approval of Minutes:

Councilman Newbold made a Motion to approve the Work Sessions of January 12th and January 20th of 2009, Regular Meeting of January 22nd and Special Meeting of January 29, 2009 with one minor correction. The Motion was seconded by Councilman Lyons. Motion carried 5 to 0.

F. FINANCE: Councilman Newbold made a Motion to authorize the Supervisor to pay Check Run of 12/30/2008 amounting to \$4,430.89, Manual A/P Runs of 02/05/09 amounting to \$633,794.67, and Check Run of 02/12/2009, amounting to \$391,092.28. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

G. PRIVILEGE OF THE FLOOR:

Dan Matao said he would like to speak in reference to the Master Plan before the Board reviews the comments from the County. He said he moved to Goshen 16 years ago and like many others, liked what he saw, and the people who were born here, stay because they like what they see. He stated he had nothing against developers or builders, as a builder built his home which he loves. He said however, when they come to build in our town, they should build what we have in our town. He feels the builders have gone wild and have not conformed to us. He said the Town of Goshen needs a government that will stand up to the builders and high powered lawyers. He said he would like to take this opportunity to ask this Board to stick to it's guns on the work they have done on the revisions to the Master Plan and to thank this Board for their

courage in standing up to the developers and builders and for working as hard as they did to make these revision, to protect Goshen.

GARY WILE said he would like to tell Mr. Mattao that he agreed with him and felt most of the community felt the same. He said their main concern was with all the projects now before the Planning Board and what it would cost the taxpayer. He felt the Board was doing a good job trying to control this massive growth. He said the last count he had was 1,500 homes planned. He asked if the moratorium was still in affect? The Supervisor said it would be up on February 16th. He said that kind of growth would require a new school, the fire department wants an addition, and whatever is decided on by the library, all will be capital projects forced on us. He said under these circumstances, "holding to your guns" by the Board is more than prudent.

Councilman Cappella said the latest figure he had heard was 3,500 homes before the Planning Board.

JERRY BOSS said he has currently seen many new trucks going through the town with new markings saying Marangi on them. He said he understands that two of the Marangi brothers are principles managers in IWS. He asked if Marangi was a part of IWS or is this another trash hauling company doing business in our town? He also asked if the Board was dealing with an Anthony Farina? Attorney Caplicki replied to his knowledge he is a CEO within IWS. Mr. Boss suggested the Board should vet Mr. Farina.

Supervisor Bloomfield reviewed briefly the Resolutions and other items that were done at the Work Session on Monday. One of the items was the authorization of the Supervisor to hire a CPA to audit the bill from the Village to the Town for the Sewer charges for the last year for Hambletonian Park and Arcadia Hills. This year the charges were extremely high and the Board felt they would like to have it audited and be aware of just how the charges were created, and if they are accurate. The Board continued to discuss other items that were passed at the earlier meeting.

With no further comments from the public, Councilman Cappella made a Motion to adjourn the business meeting and go into Executive Session to discuss:

1. Current Status of Slesinski PDR Conservation Easement
2. IWS Code 80B Discrepancy Follow up
3. Town of Goshen Dispute Over Cost of Truck Repair
4. Lubavitch Outreach Center – Response From New York State
5. PBA Negotiation Status

with intent not to return. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Time: 8:20 p.m.

Valma Eisma, Town Clerk

