

TOWN OF GOSHEN
TOWN BOARD WORK SESSION

July 06, 2010
M I N U T E S

A work session of the Town Board of the Town of Goshen was held on the 6th day of July, 2010 at 7:30pm at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

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

Also Present	Dennis Caplicki	Attorney for the Town
	Priscilla Gersbeck	Deputy Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:35pm.

Attorney for the Planning Board, Richard Golden, Esq. read the Legal Notice;

"Please Take Notice that the Town Board of the Town of Goshen will hold a Public Hearing at 7:30 p.m. or as soon thereafter as the matter can be heard on the 6th day of July, 2010 at Town Hall, 41 Webster Avenue, Goshen, New York on the application of Timber Trail, LLC for a Planned Adult Community on premises known on the Tax Maps of the Town of Goshen as Section 2 Block 1 Lots 20.4 and 22. ¶ The Town Board will at the above time and place hear all persons in favor of or in opposition to the proposed application."

Attorney Golden described that this is an application for a Special Permit under the Goshen Town Code. If someone wants to have a Planned Adult Community a special permit has to be obtained from the Town Board not from the Planning Board. There is a State Law that requires a Public Hearing in connection with any special permit. Therefore, this hearing is to hear the public in connection with the application of Timber Trail. In conclusion, this Public Hearing will remain open and be adjourned to a (suggested) scheduled meeting on July 22, 2010. The Public Notice will be republished. Notices will be sent to the County (under General Municipal Law section 239-M) and to the Town of Hamptonburgh (under General Municipal Law section 239-NN) also to the surrounding property owners. By the next public hearing, the County will have enough time to respond. The Town Board members will have the opportunity to listen to the Public and if need be – to act.

1. PUBLIC HEARING – TIMBER TRAIL, LLC

Councilman Newbold made a motion to open the public hearing for comments regarding the application of Timber Trail LLC for a Planned Adult Community. Councilman Lyons seconded the motion.

Discussion: Attorney Golden explained that on Friday (07/02/2010) Timber Trail served a second Article 78 against the Town of Goshen and asked the court to order that this Public Hearing not to go forward. In response there was a telephone conference hearing with the Attorney for Timber Trail, Attorney Golden and the Judge. The Judge denied Timber Trail's application to stop the hearing from going forward tonight. Therefore, this hearing is allowed to go forward.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold
0 NAYS

Supervisor Bloomfield called for comments from the public.

Mr. Shapiro (?) (Inaudible)

Response: Attorney Golden feels that the Town will have a response back from the County prior to July 22. If a response is not received the Public Hearing will continue, but no decision will be acted upon.

Other's who were present, refrained from comment at this time.

With no further comments from the public:

Councilman Cappella made the motion to hold the Public Hearing on the above application open until July 22, 2010 at 7:30pm. Councilman Newbold seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold
0 NAYS

2. PUBLIC HEARING - LOCAL LAW #1 of 2010 – STOP SIGN INSTALLATION IN HAMBLETONIAN PARK

Councilman Canterino made the motion to open the Public Hearing regarding Local Law #1 of 2010 – Stop Sign Installation in Hambletonian Park. Councilman Cappella seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold
0 NAYS

Supervisor Bloomfield noted that on two occasions a resident from Hambletonian Park requested that a study be done regarding stop sign installation in Hambletonian Park. This is similar to what the Town did two years ago in Arcadia Hills. The resident has small children and is concerned about the safety of children and the way traffic goes through the intersections without slowing down. The Town Police Chief was asked to look into this. Accordingly, the Police Chief has come up with a *proposal* for installing twelve stop signs.

Supervisor Bloomfield called for comments from the public.

Kenneth Obremski, Lower Magic Circle Drive, "If there is an issue of danger with some child or some adults being injured because of something that could have been done to prevent it. Who could be against that"? "Certainly I don't want to see anyone hurt". Mr. Obremski had several questions before the Board. "Has there been any incidents?" In his forty years as a resident in Hambletonian Park he has never heard of one. Mr. Obremski inquired if the Police Department thought that this was a good idea or was it solely done at the request of the Town? He feels that if a person is going to speed through the development they will do so regardless of whether a stop sign is up or not. Most people in the development look out for each other and have no problem flagging down a speeding vehicle to slow it down. For those who do drive carefully, twelve stop signs can be quite oppressive. He also wanted to know the cost of installing a stop sign?

Dan Matteo, Knapp Terrace, Mr. Matteo believes that it would be a good idea for the Police Chief to confer with some of the residents in the community to know where the problem areas are. The Chief is approaching this as best as he can to ensure the safety of the residents in Hambletonian Park. However, Mr. Matteo stated that "we might not need that many signs in Hambletonian Park". "There are certain areas in Hambletonian Park where people do move a little faster down some roads than others.....I know the problem roads in Hambletonian Park." Mr. Matteo feels that twelve stop signs is an excessive number, some of which might be ignored when people are rushing to work. He is concerned about the aggressive driver's *attentiveness* to obeying the signs while other residents will depend on them. It seems to him that vehicles tend to go faster on Yankee Maid Lane, because it's a longer than the other streets. Mr. Matteo suggested using portable speed bumps as an alternative to slow down the traffic.

Doris Obremski, Lower Magic Circle Drive, Questioned the process by the Board Members for making the decision on sign location and what was the reasoning behind the need for twelve stop signs. Does the Police Chief have numbers of increased population or incidents? Living in Hambletonian Park for 40(+) years, she feels that the population of young children has decreased. She agreed with Mr. Matteo to place speed bumps in areas where kids might be in jeopardy.

Supervisor Bloomfield wasn't sure on what the Police Chief based his decision. A formal traffic study was done at the time of creating our Master Plan. A person may not have to stop at all twelve stop signs to leave the Development, because a vehicle isn't going to go through all of those roads. He quoted from a Professional Engineer whose input was part of our traffic study. "Safety is a means of inconvenience." "It's not life as it is today or before." Supervisor Bloomfield stated that "a speed bump is just not as effective as a stop sign," quoting from the Professional Engineer.

Doris Obremski responded that she is *not* addressing an inconvenience. She doesn't want any child to be in jeopardy. She suggested that there maybe a couple of different ways to accomplish this as opposed to spending money to put up stop signs *all over* the place. Mrs. Obremski noted that one location was overlooked, that being the bottom of Fleetwood Drive, turning left. She said "I'm not here to protest stop signs." "I'm here to get the information about what the need is for it and if it can be--the challenge can be addressed in a different and equally effective manner."

The Board Members concurred that "money is not an issue when it has to do with safety". What's important is the safety for the community.

Dan Matteo, Knapp Terrace, noted that for the 20 years he has lived in Hambletonian Park, he doesn't know of any incidents that a person/child was hit or had an accident by a car. He wanted to know why "all of a sudden out of the blue we're going to have twelve stop signs, because one person comes in and suggests it". He feels that twelve stop signs are excessive, not inconvenient. His concern lies with those rushing to work who will ignore the stop sign and a pedestrian depending on that stop sign. He points out that "It might defeat what you want to accomplish".

Supervisor Bloomfield stated that "we will have to look at the effort of what we're trying to do, the inconvenience versus the benefit." "That's what this Board will have to wrestle with."

Neil Hickok suggested a solution of what is used on West Main Street. Which are plastic signs in the middle of the street saying yield to pedestrians.

(With no further requests or comments from the audience)

Councilman Canterino made the motion to continue this Public Hearing with the understanding that we go back to the Chief and his Officers to find out the protocol they followed in coming up with this information. Councilman Cappella seconded the motion

Discussion: How long will this be continued? Response: Until we get the information from the Chief.

On a Voice Vote, motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold
0 NAYS

ITEMS FOR DISCUSSION:

3. AUTHORIZE TOWN CLERK TO ADVERTISE FOR JESSUP SWITCH ROAD IMPROVEMENT PROJECT BIDS PER RIDDICK ASSOCIATES, P.C.

On June 15, 2010, Orange County Office of Community Development approved the bid documents submitted for the Jessup Switch Road Improvement project. A memo dated June 29, 2010 from Sean Hoffman; PE (Riddick Associates) to Val Eisma (Town Clerk) listed the bid schedule for this project. The Town Board Members reviewed this schedule starting on July 8, 2010 and ending with a bid award date of August 9, 2010. Supervisor Bloomfield was hopeful that by late August work will begin on Jessup Switch Road to be completed before the cold weather.

Councilman Cappella made the motion to authorize the advertisement and bid opening date per Riddick Associates, P.C. memo. Councilman Lyons seconded the motion.

On a Voice Vote, motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold
0 NAYS

4. **AUTHORIZE GOSHEN SUPERINTENDENT OF HIGHWAYS TO ORDER/PURCHASE A 2011 INTERNATIONAL HARVESTER TRUCK FRAME AND CAB AS SPECIFIED IN THE ENCLOSED INFORMATIONAL PACKET**

The Superintendent of Highways informed the Town that the second truck had a cracked frame. In the past the Highway Dept. was fortunate to purchase a used truck. With no luck this time, it was decided to purchase a 2011 International chassis and cab, including plow & spreader (fully equipped other than the bed).

Councilman Canterino made several inquiries about financing this purchase without going over the Highway budget. Since this is on a State bid purchase order, we need to act in a timely manner. Councilman Canterino received approval, from Albany, to purchase part of the above mentioned truck in 2010 and part in 2011. Arrangements have been made to have the vehicle built (body installation) in September and delivered to the Town around the end of October-beginning of November. The rest of the payment will be dispersed in January. Also, a five year warranty covering the engine was added on at a nominal price. In summary, the total including the 5 year warranty, for the 2011 International chassis and cab is \$104,457.04. The total to install our existing Galion Dump Body onto the chassis including the necessary hoses and fittings with tarp wiring is \$1,500.00. A grand total of \$105,957.04.

Councilman Cappella noted that we are securing our whole fleet for the (winter) season. We are saving a lot of money. Similarly, the last *full truck* we purchased on State bid (about a year to two ago) was around \$157,000. This purchase as a whole unit would have been around \$180,000 with the rising cost of steel etc. Being that we have the body, this is a reasonable deal.

Councilman Canterino made the motion to authorize the Superintendent of Highways to order the truck in this information sheet: [2011 International 7500 SFA 4X2 (SA537)] for a cost of \$104,457.04 with a warranty for five years for the vehicle specifications outlined in the specification sheets. Councilman Cappella seconded the motion.

Discussion: The installation price will be voted upon when we get the truck in. This vote is just for purchasing the vehicle.

Councilman Lyons asked for clarification from Councilman Canterino on the list price, namely the quotation of \$21,640.00 for miscellaneous equipment. Is that quote included in the *package* or is it a separate fee? Response: It is included in the \$104,457.04.

Upon Roll Call Vote:

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

Vote: Motion Passed 5 to 0.

5. **REVIEW OF FIVE SUBJECTS BY NEAL HALLORAN, BUILDING AND ZONING OFFICE, FOR BOARD INPUT.**

Neal Halloran addressed the Board reviewing several issues which were explained in a packet.

(1) Grass to be cut in Arcadia Hills, Krantz – a formal resolution will be proposed at the next meeting for lawn care violation and charging the owner.

(2) Basketball backstops being installed in the Town Right of Way in Hambletonian Park and possibly elsewhere. There are basketball backstops being installed in concrete that will hinder plowing equipment in the winter. It was decided to place an article/notice in the newspaper and then contact the homeowners who are installing the basketball backstops in the right-of-way. There was a discussion on raising the escrow fees in the EIS. Also payment schedule of work completed.

(3) Records update for the department files, project to purge those files no longer needed. Mr. Halloran researched the NYS archives manual checking the requirements of the length of time to retain documents and those documents that can be removed from the files at this time. There is too much paper work and duplication of records unnecessarily taking up space in the file cabinets. His research was reviewed by the Town Clerk and the Attorneys involved with Town Boards for input. He is asking for input from the Board as to what records they would like to see kept beyond the minimal requirements. The Board agreed to review the materials and if Mr. Halloran doesn't hear from them to proceed.

(4) Moodna Watershed Inter-municipal Agreement and possible resolution. Goshen has about 6.1% of the *overall* watershed. Other Towns include no more than 15% of the watershed. Similarly 27% of the Town of Goshen is in the Moodna Watershed. There is an attempt to create an inter-municipal agreement between the municipalities who use the watershed in order to prevent adverse impacts to each one. Basically, we export water out of the watershed (Arcadia Hills and Hambletonian Park) and put it into the Walkill River. Mr. Halloran is asking the Board Members to review the material

(5) Walkill River flood project, letter from the DEC and floodplain responsibilities, enforcement. Communication was received from William Janeway, DEC Regional Director, covering a variety of topics pertaining to the watershed-based ecosystem restoration. One of the topics Mr. Halloran was concerned with was the effects the Orange County Landfill has on the Walkill River. Apparently the Landfill is sliding into the Walkill River. Mr. Janeway has reservations about allowing trees to be cut along the Walkill River in the vicinity of the Orange County Landfill. Allowing trees to be cut can increase the velocity of the water; it may contribute to the landfill falling into the Walkill River. Consequently, tree cutting along the floodway/floodplain will require a permit from the administrator. There are three administrators, Neal Halloran from Goshen, one from Wawayanda and another from Warwick. Supervisor Bloomfield prefers to have the DEC lead in issuing the permit with input from the Town of Goshen.

6. **AUTHORIZE SUPERVISOR TO SIGN AN MOA WITH THE TOWN OF GOSHEN PBA FOR THIS PERIOD 1/1/2009 THROUGH 12/31/2012.**

Supervisor Bloomfield referenced a letter written by Judith Mayle pertaining to the contract with the Goshen PBA. The letter is a recap of the last work session with the PBA and not an MOA. Therefore this will be taken up at a later date.

7. **RESOLUTION: AUTHORIZE THE SUPERVISOR, TOWN OF GOSHEN, TO SIGN CONTRACT WITH JOHN TERRY WITH RESPECT TO PHOTOGRAPHY WORK/TOWN OF GOSHEN ASSESSOR'S OFFICE ASSESSMENT UPDATE PROJECT**

Supervisor Bloomfield stated that this is the same contract that was offered to Vilma Lawla, which she turned down after discussing it with Supervisor Bloomfield.

**TOWN OF GOSHEN
RESOLUTION**

Authorization for the Supervisor, Town of Goshen to Sign Contract with John Lynn Terry With Respect to Photography Work/Town of Goshen Assessor's Office Assessment Update Project

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman Louis Cappella

DATED: July 6, 2010

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held at Town Hall in said Town on the 6th day of July, 2010;

WHEREAS, the Town of Goshen wishes to update its assessment rolls and assessment records so as to more accurately reflect true valuations of real property parcels located within the Town and Village of Goshen, and

WHEREAS, in order to complete same it is necessary that photographic pictures be taken of each tax parcel located within the Town and Village of Goshen, and

WHEREAS, it is necessary to hire a contractor to complete and download the pertinent photographic pictures of each tax parcel within the Town of Goshen, and

WHEREAS, John Lynn Terry has submitted a proposal to the Town of Goshen for completion of the aforementioned photography and download work,

NOW, THEREFORE BE IT RESOLVED, that John Lynn Terry be hired to take photographs of each tax parcel located within the Town and Village of Goshen and download same to the Town of Goshen Assessor's RPS system or other database as required by the Assessor, Town of Goshen; all as more particularly set forth in Schedule A annexed hereto the Agreement between the Town of Goshen and John Lynn Terry; and

BE IT FURTHER RESOLVED that the Supervisor of the Town of Goshen is authorized to sign on behalf of the Town of Goshen said Agreement (Schedule A annexed).

Discussion:

Councilman Newbold questioned if John Terry is taking the photographs as a Town employee or as a subcontractor. Answer: He will be hired as an independent contractor to take the photographs and to do the actual down loading of the photographs into the database. He will be insured as an independent contractor covering all concerns as such.

Councilman Lyons asked how much the insurance premiums will cost the Town. Answer: The coverages will be around \$1,012.00. He also wanted more clarification to the agreement namely in section 1-last paragraph, where it states "Contractor shall be paid the sum of \$1.75 per parcel photographed..." In other words an addition to the agreement shall read: "Said photographs to be of good quality and acceptable to the Assessor, Town of Goshen. Poor quality or unacceptable photographs as determined by the Assessor shall not be paid for and Contractor will be required to take additional photograph(s) which are of acceptable quality."

Upon Roll Call Vote:

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

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

8. STANDARD WORKDAY RESOLUTIONS & POSTING FOR ELECTED OFFICIALS

Supervisor Bloomfield explained the NYS retirement pension program for elected officials. It is mandated to record time sheets for three months based on the record of activities and standard workday for each elected official. Submission from the Supervisor, Councilman, Superintendent of Highways, two Judges and Town Clerk will be reviewed to create a standard work day for each one. Finally Albany will determine the retirement for each of the position

Public Comments:

Susan Cleaver suggested charging interest to those applicants who are delinquent in paying consultant bills. Many businesses use this billing technique. She also credited the Board Members for working in the Town's best interest.

Joel Markowitz inquired why the cracked frame on the highway truck can't be welded. Answer: Professional people have determined that this would not be feasible. The age of the vehicle (1989) has a frame that is rusted through.

EXECUTIVE SESSION

Councilman Newbold made a motion to enter into Executive Session to discuss the following:

1. Memo From Mark Sharff, Inc. – Al Turi Tax Certiorari
2. Town/Village Sewer Dispute and the Comptrollers Audit

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

Time: 9:22PM

Priscilla Gersbeck, Deputy Town Clerk