

**TOWN OF GOSHEN**  
**PUBLIC HEARING & TOWN BOARD MEETING**  
**MARCH 24, 2016**  
**MINUTES**

A regular meeting of the Town Board of the Town of Goshen was held on the 24th day of March, 2016 at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present: Douglas Bloomfield Supervisor  
Melissa Gallo Councilmember  
George Lyons Councilmember  
John VanDerMolen Councilmember

Absent: Kenneth Newbold Councilmember

Also Present: Richard Golden, Esq. Attorney for the Town  
Robert Rametta, Esq. Special Counsel, Tax Certiorari/Claims  
Priscilla Gersbeck Town Clerk

**A. CALL TO ORDER**

The meeting was called to order by Supervisor Bloomfield at 7:32pm, followed by the Pledge of Allegiance.

**B. AMENDMENT TO THE AGENDA**

Supervisor Bloomfield added under Old Business, Midway Bridge Closure.

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

**D. PUBLIC HEARING:**

**(1) LOCAL LAW #1 OF 2016, AMENDING CHAPTER 51 ("DANGEROUS BUILDINGS") OF THE CODE OF THE TOWN OF GOSHEN TO INCLUDE PROVISIONS FOR SITUATIONS INVOLVING IMMINENT DANGER AND PASS SAID LAW AS APPROPRIATE.**

Councilman Lyons made the motion to open the public hearing on Local Law # 1 of 2016 – Chapter 51, Dangerous Buildings. Councilwoman Gallo seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, VanDerMolen  
0 NAYS  
1 ABSENT

Attorney Golden reviewed the following section: [This Local Law is on file in the Clerk's Office]

- A. Any building or structure or part thereof, which is in a condition that poses an imminent danger or dangerous attraction to the life or safety of the public is hereby declared to be a public nuisance. Such a condition may result from any occurrence whatsoever, including, but not limited to fire, explosion, or decay.

- B. Whenever the Fire Marshal, Building Inspector, or other official requested by the Town Board inspects and finds any building or structure, or part thereof, to be in a condition that poses such an imminent danger or dangerous attraction to the life or safety of the public, and declares such building or structure, or part thereof, a public nuisance, said official may direct that the building or structure, or part thereof, be demolished and removed, and may further direct any additional work be done in and about the building or structure as may be necessary to abate the dangerous condition.
- C. The officials noted in subsection "B" above may direct that the building or structure, or part thereof, be demolished or removed by other than the owner, and without providing notice to the owner or an opportunity to be heard, if there are exigent circumstances that require immediate demolition to protect the public.
- D. If all costs and expenses incurred by the Town in connection with any work done to abate a public nuisance as set forth in subsection "A" above, including, but not limited to, costs and expenses in connection with the demolition and/or removal of any such building or structure, or part thereof, are not paid by the property owner upon demand by the Town, they shall be assessed against the land on which such building or structure is located, and shall be and constitute a lien upon such land.

Comments from the public:

Supervisor Bloomfield commented on a dwelling fire in which a chimney remained standing alone. This was determined to be a safety issue and was taken down.

(With no further comments)

Councilwoman Gallo motioned to close the public hearing for Local Law #1 of 2016. Councilman Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, VanDerMolen  
 0 NAYS  
 1 ABSENT

Councilman Lyons made the motion for a negative declaration under SEQRA, declaring that there are no significant adverse impacts to the environment by this Law based on a previous environmental assessment form before the Board. Councilwoman Gallo seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, VanDerMolen  
 0 NAYS  
 1 ABSENT

Councilwoman Gallo made the motion to adopt Local Law #1 of 2016 - Chapter 51, Dangerous Buildings. Councilman VanDerMolen seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson Kenneth Newbold	<u>ABSENT</u>
Councilperson Melissa Gallo	<u>AYE</u>	Councilperson John VanDerMolen	<u>AYE</u>
Councilperson George Lyons	<u>AYE</u>		

Motion Passed 4 to 0

**(2) LOCAL LAW #2 OF 2016, AMENDING CHAPTER 97 ("ZONING") OF THE CODE OF THE TOWN OF GOSHEN TO INCLUDE AN ADDITIONAL CEMETERY**

Councilman Lyons made the motion to open the public hearing on Local Law # 2 of 2016 – Chapter 97, Zoning. Councilwoman Gallo seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, VanDerMolen  
0 NAYS  
1 ABSENT

Attorney Golden noted that under the Town Zoning Code, the County is to be notified for comments pertaining to zoning modifications. This Local Law [on file in the Clerk's Office]

Comments from the public:

Supervisor Bloomfield explained the reason for the origination of this law: a home builder planned to destroy a cemetery to build a house. The neighborhood protested his intent. Since then, there can be no construction or disturbance within 50 feet of cemetery boundaries.

Marty Irons wanted to correct the misconception that he discovered this cemetery. In fact, Rosanne Sullivan, repeating what was told to her, informed him as to the location of Burial Ground #2. Marty Irons was instrumental in identifying/listing the 116 burial plots located on this site. He asked the Board to *consider* adding verbiage to include "other cemeteries in the future". The Board isn't sure if a generalized statement would be as effective as site specific.

(With no further comments)

Councilwoman Gallo motioned to close the public hearing for Local Law #2 of 2016. Councilman Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, VanDerMolen  
0 NAYS  
1 ABSENT

Councilwoman Gallo made the motion that there are no significant adverse environmental impacts, by the subject matter of this law. Therefore it is determined to be a negative declaration under SEQRA. Councilman Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, VanDerMolen  
0 NAYS  
1 ABSENT

The Town is waiting for the County to respond. Once the time limit has been met, the Town will take action on this Local Law #2 of 2016.

#### E. REPORTS:

**Councilwoman Gallo** reported on the Joint Parks & Recreation. The Chess Club meets on Tuesdays. Zumba meets on Tuesdays & Thursdays at the Senior Center. A Coding Program will be offered to 3-5<sup>th</sup> graders on Fridays starting April 1. Applications are available for summer day camp employment which will run June 27<sup>th</sup> to August 12<sup>th</sup>. On Saturday, March 26<sup>th</sup>, the annual egg hunt will take place at the Salesian Park.

**Councilman Lyons** reported for the Highway Dept. Tree trimming and brush cutting continues along with cold patching the potholes. Roadside debris and ditches are being cleared. Indiana Road has

been graded with item #4 material this week. The Coleman Road FEMA Culvert Project will be rebid on April 5<sup>th</sup> at 4pm. The Town is still waiting for the Chester Dial-A-Bus contract response.

**Councilman VanDerMolen** reported that the Senior Center is sprucing-up the outside with new mulch. The Senior Hall is a busy location, renting space 2X – 3X per week. It is requested that the center be included in the Community Block Grant. Their wish list includes a new access electronic front door and two electronic main hall doors.

**Supervisor Bloomfield** stated that Amy's Kitchen DEIS will be delivered to the Planning Bd. soon. The Planning Bd. will review/evaluate the documents. Public hearing(s) will take place for public input on the DEIS. The applicant (Amy's) will return with the final EIS addressing the public concerns. He gave a brief summary of Amy's operation. Supervisor Bloomfield stated, "this plant is probably the biggest single thing that has come to Goshen since the Erie Railroad came to Goshen." Production will be around 640,000 meals per day marketing with Whole Foods to distribute in the Metropolitan area and perhaps in Europe. They plan on breaking ground late 2016 with startup in 2018.

**F. OLD BUSINESS:**

**1. DISCUSS POTENTIAL COST SAVINGS BY REFUNDING THE TOWN'S ONLY SERIAL BOND AND TO AUTHORIZE THE SUPERVISOR TO SIGN THE APPROPRIATE DOCUMENTATION**

Christine Cavaliere, Budget Officer, distributed a report explaining the cost savings to refund this serial bond. In 2009 the Town took out a Public Improvement Serial Bond for \$3,028,031 set to mature in 2028. The current balance is \$2,250,000. We have the opportunity to re-finance this current balance and take an advanced new bond at a lower interest rate. This will save the Town a total cost of \$120,090.69.

Supervisor Bloomfield made the motion to authorize the Budget Officer and the Supervisor to refund this Serial Bond and to include paying off the \$148,500 for the Road Improvement Program by signing the proper documents. Councilman Lyons seconded the motion.

Discussion: Councilman Lyons asked for clarification on the payments, principal balance, interest payments etc.

Reviewing the packet submitted by Hawkins Delafield & Wood LLP, Supervisor Bloomfield rescinded his motion. Councilman Lyons seconded the motion to rescind.

Councilman Lyons made the motion to adopt the form of the motion as presented by Bond Counsel. Councilwoman Gallo seconded the motion.

Discussion: Councilman Lyons reviewed/questioned some of the financial calculations as presented in the bonding packet. Mrs. Cavaliere satisfactorily responded.

**Upon Roll Call Vote:**

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, John VanDerMolen	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>	Councilperson, Melissa Gallo	<u>AYE</u>
Councilperson, Kenneth Newbold	<u>ABSENT</u>		

Vote: Resolution carried by a vote of 4 to 0.

**2. DISCUSS OPERATING COST SAVINGS THROUGH PURCHASE OF A NEW TELEPHONE SYSTEM AND AUTHORIZE THE SUPERVISOR TO PURCHASE THE SAME**

Christine Cavaliere reviewed the two telephone system proposals from Frontier Phone System and Greenhill Phone System. In comparing the options presented by the two systems: Option One from Frontier Phone System showed a greater savings than the options presented by Greenhill Phone System. [Both proposals on file in the Clerk's Office] There was discussion on the details of the service charges and maintenance coverage.

Councilman Lyons made the motion to authorize the Supervisor and Budget Officer to replace the current phone system by purchasing a new phone system from Frontier Phone System at a cost not to exceed \$20,000.00. Councilwoman Gallo seconded the motion.

Discussion: Attorney Golden specified this is for the purchase of the equipment.

**Upon Roll Call Vote:**

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, John VanDerMolen	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>	Councilperson, Melissa Gallo	<u>AYE</u>
Councilperson, Kenneth Newbold	<u>ABSENT</u>		

Vote: Resolution carried by a vote of 4 to 0.

**3. DISCUSS AND APPROVE RESOLUTION TO SETTLE GAM PROPERTY CORPORATION TAX CERTIORARI**

This settlement involves the GAM Property Group's two locations; (single floor warehouses) at 17 Dikeman Drive and 3 Police Drive.

Attorney Rametta explained, after searching comps, that the properties were over assessed. As part of the settlement, the petitioner will discontinue the 2014 proceeding on both parcels and accept the assessment reduction/correction fixed for the 2015 assessment year on both parcels.

**TOWN OF GOSHEN  
RESOLUTION**

**Settling of Tax Certiorari Claims; GAM Property Corp.  
Section 122 Block 1 Lot 5.22 and Section 122-1-11**

INTRODUCED BY: Supervisor Douglas Bloomfield  
SECONDED BY: Councilman John VanDerMolen  
DATED: March 24, 2016

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 24<sup>th</sup> day of March, 2016;

WHEREAS, claimant, GAM Property Corp., having commenced tax certiorari proceedings against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for the 2014 and 2015 assessment years bearing Orange County Index Numbers 2014-005744, 2015-005668, 2014-005743 and 2015-005669;

WHEREAS, it appears from the recommendation(s) of Arnold Silver, Town Assessor, and Robert M. Rametta, Esq., Counsel for the Town of Goshen in the aforesaid proceedings, and upon a thorough investigation of the claims, that any further proceedings and litigation by the Town would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the above matters, as more fully set forth below, is reasonable and in the best interests of the Town; and

WHEREAS, claimant, GAM Property Corp., is willing to settle these proceedings without interest, costs or disbursements, in the following manner; As set forth in annexed Consent Orders;

NOW, BE IT THEREFORE RESOLVED, that the proposed settlement as set forth and described above and as set forth in the annexed Consent Order and Judgment is hereby accepted pursuant to Section 68 of the Town Law and it is further;

RESOLVED, that the Assessor of the Town of Goshen and Robert M. Rametta, Esq., Special Counsel to the Town of Goshen; and Douglas Bloomfield, Supervisor of the Town of Goshen be and are hereby authorized to take any and all steps and sign any and all documents necessary to effectuate the terms of this resolution;

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>ABSENT</u>
Councilperson, Melissa Gallo	<u>AYE</u>	Councilperson, John VanDerMolen	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>		

Vote: Resolution carried by a vote of 4 to 0.

#### 4. MIDWAY BRIDGE CLOSURE

Supervisor Bloomfield summarized the Town's position regarding the bridge closure. The bearings of the bridge are locked-up and there is substantial structural damage from the vibration from this. If the bearings are fixed, then the deck would need repair. The engineers for the Town of Walkkill indicated the bridge has to be closed for a complete rehab. Phillipsburg Road was rehabbed in 2014. In 2015 the road was resealed with tar and chip to add longevity. Now the Tetz trucks will be traveling about 40 trips per day along this posted 5 ton weight limit road with 40 ton trucks. Our engineers anticipate damage to our roads from the large trucks. The expected bridge closure will be April 11 to May 16. He noted that Phillipsburg Road is not designed to handle large truck traffic. Supervisor Bloomfield stated that his main concern is not about the roads. The Town's issue is public safety of the families/home owners along the route and the safety of the general public using our roads. Most importantly is the safety of the children/students and safe passage for school buses.

Attorney Golden suggested for the Town of Goshen to serve notice to the Town of Walkkill and CC Tetz stating the weight limitation on the road which will be enforced by the Town Police.

Several people in the audience voiced concerns about the large truck traffic going through their neighborhood and what method of enforcement will be effective when problems occur.

Supervisor Bloomfield and Councilman Lyons will pen a letter to the appropriate people putting the Town of Walkkill on notice to address the issues of the Town of Goshen. A copy will be sent to Tetz.

**G. NEW BUSINESS:**

- 1. AUTHORIZE THE SUPERVISOR TO REQUEST THE ORANGE COUNTY REAL PROPERTY TAX OFFICE TO PROVIDE TWO PART-TIME EMPLOYEES TO BACKFILL AN EMPLOYEE WHO IS RETIRING FROM THE ASSESSOR'S OFFICE**

Councilwoman Gallo made the motion to authorize the Supervisor to request the Orange County Real Property tax office to provide two part-time employees at a cost not to exceed \$41,600. Councilman Lyons seconded the vote.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, VanDerMolen  
0 NAYS  
1 ABSENT

- 2. DISCUSS AND PASS MOTION TO HIRE RALPH HUDDLESTON, CARPENTER ENVIRONMENTAL ASSOCIATES, INC. TO PROVIDE SERVICES TO THE GOSHEN TOWN PLANNING BOARD**

A letter of recommendation was received from the Planning Board Chairman, Lee Bergus, requesting the appointment of Ralph Huddleston as consultant to the Planning Board. He will be responsible for attending meetings associated with the environmental review of selected projects such as Amy's Kitchen. His fee will be paid by the project/applicant escrow.

Supervisor Bloomfield made the motion to appoint Ralph Huddleston, Carpenter Environmental Associates, Inc. to provide consulting services to the Goshen Town Planning Board. Councilman Lyons seconded the vote.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, VanDerMolen  
0 NAYS  
1 ABSENT

- 3. DISCUSS AND APPROVE MOTION TO AUTHORIZE ULSTER, ORANGE AND SULLIVAN REGION OF CATHOLIC SCHOOLS TO HOLD A 5K RUN/WALK, SATURDAY, APRIL 23, 2016.**

This 5K Run/Walk event is sponsored by the Ulster, Orange, Sullivan Regional Catholic Schools. It will start and end at Burke Catholic High School.

Councilman VanDerMolen made the motion to accept the above application granting permission to traverse on designated town roads for a 5K Run/Walk. Councilwoman Gallo seconded the motion.

Discussion: Councilman Lyons questioned the police page and the insurance coverage. Answer: This is the same insurance coverage provided last year and the applicant will not need assistance from the Town Police Department. However, a copy of the application will be sent to the Police Chief for review.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, VanDerMolen  
0 NAYS  
1 ABSENT

**4. AUTHORIZE THE SUPERVISOR TO SIGN A LETTER TO THE NYS LIQUOR AUTHORITY SUPPORTING REQUEST BY HACIENDA MANAGEMENT TO AMEND THEIR APPLICATION**

Management at the Hacienda is requesting a letter of support to amend their application to the Liquor Authority to serve alcohol on the patio.

Councilwoman Gallo made the motion to authorize the Supervisor to write the letter of support on behalf of the Hacienda. Councilman VanDerMolen seconded the motion.

Discussion: Councilman Lyons questioned possibilities of a potential lawsuit. Answer: This is a standard procedure when an amendment is submitted to the State Liquor Authority.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, VanDerMolen  
0 NAYS  
1 ABSENT

**H. FINANCE**

Councilman VanDerMolen made the motion to authorize the Supervisor to pay Accounts Payable check run for March 24, 2016 amounting to \$159,153.55. Councilwoman Gallo seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, VanDerMolen  
0 NAYS  
1 ABSENT

**I. PRIVILEGE OF THE FLOOR:**

**Several residents** from Howard Court complained that with their tax payment, they receive no municipal services. They don't even receive home mail delivery. Attorney Golden explained that as long as the road remains undedicated, the Town has no legal obligation to maintain it. The Town has no authority to direct the post office where to deliver mail. The post office has the final say as to mail delivery.

**Marty Irons**, Hambletonian Park, inquired as to the status of lead levels in the water. Answer: The lead isn't a natural ingredient in the water. Lead is likely to be highest if there are faucets and/or fittings made of brass containing some lead or if there are copper pipes with lead solder joints plumbed prior to 1996. Surface signs of corrosive water is blue/green staining on the pipes. Poor electrical grounding to the water pipes may also cause corrosion within the plumbing system. There is a chemical used to coat the interior of the pipes, preventing the lead from going into the water.

**J. EXECUTIVE SESSION:**

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

1. PD Discipline Hearing Update 2. Wall's Federal Law Suit Update  
with the intent not to return. The motion was seconded by Councilman VanDerMolen. Motion carried.

**K. ADJOURNMENT: 10:00PM**

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Priscilla Gersbeck, Town Clerk