

TOWN OF GOSHEN
TOWN BOARD WORK SESSION

April 23, 2012

MINUTES

A work session of the Town Board of the Town of Goshen was held on the 23rd day of April, 2012 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 7:32pm, followed by the Pledge of Allegiance.

[Item #1 MTBE DISCUSSION has been moved to the end of the agenda]

1. REVIEW AND DISCUSS THE LATEST DRAFT FOR EXPANDING THE HAMBLETONIAN PARK WATER AND SEWER DISTRICTS TO INCLUDE NEW YORK FARMS, LLC AND CONSERVATION EASEMENTS REGARDING PARCEL A & B

Attorney Caplicki met with the Principles of Heritage, New York Farms LLC. to finalize the details of the Turnover Agreement. The dedication documents have been submitted to the Town for review. By Thursday night, the Town should be ready to act on the resolutions to expand the water and sewer districts and to accept the proper dedication materials. Parcel B will have the restriction prohibiting it from ever becoming a public thoroughfare. This will be further discussed in the Executive Session.

Mr. Mumford is hoping to be on site this fall and to run the pipes by spring.

2. RESOLUTION: AUTHORIZE THE TOWN CLERK TO SIGN STANDARD WORK DAY AND REPORTING RESOLUTION

The Standard Work Day Resolution lists the term expiration and standard work day for each elective or appointed office. In preparing a record of activities, the official may consider factors that require his/her attention outside the normal working hours for the purpose of actually attending to official duties. A certified copy of the resolution and an affidavit of posting shall be filed with the Comptroller within 45 days of the meeting.

The Standard Work Day Resolution is on file in the Town Clerk's Office.

Councilman Lyons made the motion to authorize the Town Clerk to sign the Standard Work Day and Reporting Resolution. Councilman Newbold seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, Philip Canterino	<u>AYE</u>
Councilperson, Louis Cappella	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>		

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

3. DISCUSS THE LEBLANC CERTIORARI SETTLEMENT AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME

Attorney Caplicki stated that the issues have been resolved. The Resolution will be addressed on Thursday night.

4. REVIEW THE “ESTATE OF JOHN DICKERSON” CONSERVATION EASEMENT AS A POTENTIAL “GENERIC” EASEMENT FOR FUTURE USE

The Estate of John Dickerson received conditional final approval, from the Town of Goshen Planning Board in 2011, to subdivide the premises into six lots. It is stated to create and convey a Conservation Easement over certain premises as shown and identified on the Subdivision Map for the purpose of preserving the natural, scenic and open space values of importance to the Town residents. The Town is considering using this Conservation Easement as a potential generic easement for potential future use.

Attorney Caplicki explained to the Board that each lot has a separate declaration Conservation Easement on it. The terminology is the same for each easement, except for the identification of the lot. Before the Board is one of the documents' for approval. The Easement document details a lengthily list of restrictions applicable to the Conserved premises.

Councilman Lyons asked for clarification as to the size of Conservation Easement #1 over Lot #1 on the last page. Of the 2.5810 acres, what portion of that lot is affected by the Conservation Easement and if the restrictions will affect the potential homeowner.

Discussion also covered the placement of the homes and roadways within the subdivision.

Attorney Caplicki advised the Board Members to view an overall map of this subdivision for a better understanding. Supervisor Bloomfield suggested that someone from the Planning Board be present at the next meeting to answer the Boards' questions.

5. DISCUSS REQUEST BY THE ALLIANCE FOR BALANCED GROWTH TO COMMUNICATE WITH THE GOVERNOR AND DEC TO USE THE 404 PERMIT PROGRAM TO PROTECT WETLANDS VERSUS INCREASING THE AMOUNT OF DESIGNATED WETLANDS IN ORANGE COUNTY AND THE STATE

The Town received a letter from Alliance For Balanced Growth. The DEC is updating its wetlands maps. The new maps will increase the size of DEC's regulated wetlands in Orange County by an

additional 16,000 acres. This amount does not include the acreage constrained by the 100-foot regulated buffer. The majority of these wetland acres are already regulated and protected by the (USACOE) U.S. Army corps of Engineers. The new maps will affect businesses, landowners and municipalities.

Supervisor Bloomfield summarized what the Alliance For Balanced Growth suggested. New York has a better way to protect its valuable wetland resources without burdening economic development. By voicing our opinion to the Governor, New York could assume the Section 404 Permit Program from the USACOE. As stated in the letter: "The maps would no longer be needed, as the 404 Permit Program regulated wetlands on actual field conditions – not on maps that are prone to inaccuracies and staleness over time." "At least a dozen states have taken this approach, including New Jersey and Massachusetts." The USACOE has a permit program regulating New York's wetlands that New York can use.

Supervisor Bloomfield has forwarded the letter to our Environmental Review Board for review and return comments to the Town Board.

6. GOSHEN FOOD PANTRY COMMUNITY DEVELOPMENT BLOCK GRANT WITHDRAWN AFTER CLARIFICATION OF ADMINISTRATIVE TERMS AND GUIDELINES

Budget Officer, William Standish, wrote a letter to the Assistant Director of the Community Development Municipal Block Grant program. After careful review of the guidelines and terms of the Agreement, "It is the wish of the Goshen Food pantry, and the Town of Goshen, to withdraw consideration for this grant so that it may be adequately distributed to other applicants who request assistance for other community projects which more directly interface with the guidelines of this grant." Basically, the regulations don't lend itself to the operation and needs of the procedures the food pantry has in place.

7. POLICE DEPARTMENT REQUEST TO PURCHASE TASERS

The Board Members have reviewed a memorandum from Sgt. Allen Faust requesting the need for tasers. Sgt. Faust has stated that someone has gratuitously offered to purchase three tasers for the Town Police Dept. Supervisor Bloomfield called for comments from the Board.

Councilman Canterino stated that there were 14 police related injuries, on record, since 1990. Of the 14, only one injury in 2007 was the result of an officer trying to restrain someone in which a taser may have been used. The other 13 injuries had nothing to do with restraining an individual. He referenced an article in the Times Herald Record where a man is suing the New Windsor Police Dept. for excessive use of force in which a taser was involved. He feels that our records indicate that tasers are not necessary at this time and could become a liability risk.

Councilman Newbold stated that last week the NYC Metropolitan Police requested the use of tasers in the subway systems. This was objected to by the Governor and the NYC Police Dept. He was surprised to find out that the NYC Police officers don't have tasers. Only the Sergeants are allowed the use of tasers. There are more opportunities of confrontation lending itself to the use of tasers in NYC than would be in the Town of Goshen.

Councilman Lyons agreed with Councilman Canterino and Councilman Newbold. He believes that in the future there will be a need for our Police Officers to have tasers available for use. "We are in a state of flux". Presently the Town needs a Police Chief. Councilman Lyons would prefer that the next Police Chief evaluate the Department's needs and advise the Board as to the validity of having Officers with tasers.

Councilman Cappella believes that using a taser is a “judgment call”. He agrees with Councilman Lyons to wait until a Police Chief is in place. Using a taser requires special training and an experienced Police Chief can oversee who holds the taser.

Supervisor Bloomfield stated that “a taser is in fact a weapon, let there be no misunderstanding”. An officer has to use caution when using a taser, because it shoots two barbed fishhooks into a person. If handled incorrectly it can unintentionally injure eyesight or another part of the body. If the Police Dept. is ever allowed tasers, we will need specific rules and be very restrictive.

Based upon the discussion, it was agreed not to purchase tasers at this time.

8. NYS DIRECTOR OF FREIGHT AND PASSENGER RAIL BUREAU HAS RELEASED THE STATE’S PREFERENTIAL ACQUISITION RIGHTS TO TAX MAP SECTION 13, BLOCK 1, LOT 70, AND ALAN LIPMAN, ESQ. WILL BE WORKING WITH THE LAND OWNER TO PROVIDE THE TOWN OF GOSHEN WITH AN EASEMENT FOR WATER/SEWER PIPES

Correspondence was received from Alan Lipman, Esq. pertaining to the NYS Dept. of Transportation release of the state preferential acquisition rights to property listed as 13-1-70. The DOT is designated as the official State agency to administer Section 18 of the Transportation Law as amended by Chapter 998 of the Laws of 1973. This statute allows state agencies, regional transportation authorities, and local governments the opportunity to acquire for public purposes, abandoned railroad transportation property. A release of preferential rights has been received for the property identified. Therefore, the Town of Goshen can acquire an easement to provide water and sewer lines for future use.

9. MTBE DISCUSSION

Attorney Caplicki advised the Board Members that they are not at liberty to discuss the MTBE issue because the Town is in litigation. Our Attorney for the Town, Dennis Caplicki, is able to summarize, within legal limits, the MTBE issue.

Attorney Caplicki stated that the recent articles in the Times Herald Record pertaining to the MTBE situation are “outrageously wrong statements”. He gave a brief MTBE history of what occurred. In 2006 it was brought to the Town’s attention that there was a water problem along Police Drive. Immediately, the Town and the DEC worked together to try to figure out what had happened out there. The DEC launched a formal investigation. At that time, the DEC began providing bottled water to the affected residents/business entities in that area. Ultimately, the DEC was satisfied that the Town was *not* the responsible party for the contamination. In written correspondence, dated February 2007, the DEC stated that no further action was needed by the Town. The residents commenced the litigation in late 2007 naming any and all parties; the Town of Goshen being one of them along with the County. Currently there are three separate motions before the court. In the meantime, the Town authorized Stantec to do an engineering study on extending the water line from the Village down Police Drive to service that area. The DEC was contacted to pay for the expense of putting in this water line. The DEC declined to fund the project. To install the line, at taxpayers’ expense, would cost hundreds of thousands of dollars. The Times Herald Record unfairly reported that the Town was responsible for the contamination and was shirking its’ responsibilities to the residents along Police Drive. In actuality, the Town did everything possible to address the issue with the proper authorities. The County is taking the position that they are not legally responsible. The Town Hall has all of the documentation on file for public view.

EXECUTIVE SESSION

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

1. Discuss Current Status Of The Dog Control Officer And Need For Providing Coverage Going Forward
2. Al Turi Landfill Certiorari Litigation Status Update
3. Faith, et al, VS Town Of Goshen, et al
4. MTBE Litigation
5. Chris Stock
6. Chief Marsh Status Update
7. Woodland Estates Certiorari Status Update

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

ADJOURNMENT: 8:30PM

Priscilla Gersbeck, Deputy Town Clerk