

TOWN OF GOSHEN
TOWN BOARD MEETING
May 10, 2012
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 10th day of May, 2012 at the 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

A. CALL TO ORDER

The meeting was called to order by Supervisor Bloomfield at 7:31 pm, followed by the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

Supervisor Bloomfield added MTBE Contamination to the regular meeting and two topics for the Executive Session.

C. PRIVILEGE OF THE FLOOR (agenda items only)

Melissa Gallo, Florican Lane, speaking on behalf of CARE and the residents of Hambletonian Park including Dan Matteo (presently vacationing in France), thanked the Town Board and Attorney Dennis Caplicki “for listening to our community” by preserving the Bridal Path to keep the residents safe. In the Right-Of-Way Abandonment Agreement-Open Space Parcel “B”, there is a clause pertaining to “any future development that is consistent with recreational activities and whereby specifically excluding the development of a private or public road....” Ms. Gallo requested clarification of that clause. “What exact recreational uses does the Town potentially foresee for this land?”

Response: There are no plans to use the property at the present time. The way in which the agreement is structured, not only is it abandoned, it’s transferred to the Town to be placed into parkland. This means that any change to the agreement will require approval from the NYS Attorney General as well as the Town. This is the most restrictive way, legally, to eliminate a road on that parcel to Hambletonian Park.

D. OLD BUSINESS:

1. MTBE CONTAMINATION

In 2006 it was brought to the Town’s attention that there were MTBE’s found in the Highway Dept. well which also supplies the Police Dept. Immediately, the Town and the DEC worked together to try to figure out what had happened. The DEC launched a formal investigation. 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. 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. Actually, the Town did everything possible to address the issue with the proper authorities. Supervisor Bloomfield was disappointed with the way in which the Times Herald Record's article inaccurately portrayed the Town Of Goshen's concerns. Tomorrows' Chronicle (May 11, 2012) will have an accurate account of the MTBE issues and the Town's involvement. Attorney Caplicki stated that there is a lot of misinformation in the community. Certain entities have distributed fliers and bulletins which are factually incorrect. Unfortunately, the time was not taken to seek out both sides of the story leading to the truth instead of false accusations. The Town is trying to correct this.

2. CONTINUE DISCUSSION REGARDING A PROPOSAL CONSERVATION EASEMENT FOR A SIX (6) LOT SUBDIVISION OF THE JOHN DICKERSON ESTATE AND APPROVE THE SAME

Attorney Caplicki referenced Monday's work session in which certain provisions in the Declaration of Conservation Easement documents were scrutinized. Upon further discussion with the principals and their counsel, there was no objection to the changes as follows; on page 4, the Reserved Rights paragraph to include the first seven lines on page 5 will be removed. What we are removing is the grantors' reserved rights to passively access the easement areas for recreational purposes or otherwise. In place is a strict easement on the property with the obligation/ responsibility belonging to the grantor (who owns the property).

Councilman Canterino made the motion to authorize the Supervisor to sign the Declaration Of Conservation Easement of the John Dickerson Estate for Lots one (1) through six (6). Councilman Cappella seconded the motion.

Discussion: Councilman Lyons asked for clarification. For example, if Mr. L purchased lot #1 – he owns the land to build his house on, and does he own the land in which the conservation easement is on? Answer: That is correct.

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: Motion carried by a vote of 5 to 0.

3. CONTINUE DISCUSSION ON THE FOLLOWING INFORMATION RELATIVE TO THE NEW YORK FARMS, LLC SUBDIVISION

The following list of documents must be approved by the Town Board in order for New York Farms to proceed with their development.

- **Irrevocable Offer of Dedication Parcel "B"**
- **Turnover Agreement for the Water and Sewer Systems**
- **Right-of-Way Abandonment Agreement Between Town and New York Farms, LLC for Bridle Path**
- **Declaration of Open Space Conservation Easement Parcel "A"**
- **Permanent Easement for Storm Water Detention Ponds – Parcels A,B, and C**
- **Bargain and Sale Deed for Roads "A" and "B", New York Farms, LLC**
- **Developer's Agreement**

Attorney Caplicki attended a meeting this week to work out many of the details. Presently Dennis Lindsay is addressing the engineering issues. He will meet with the developers to finalize the details for the next meeting. All interested parties will be present at the meeting on the 21st to negotiate and clarify the provisions. In the meantime, the Village will adopt a resolution to address the sewer hookup of New York Farms to Hambletonian Park and the hookup fees. The entire infrastructure has to be in place before houses are built.

4. APPROVAL OF MINUTES

Councilman Lyons made the motion to approve the minutes of the regular meeting of April 12, 2012 and the work session of April 23, 2012. Councilman Newbold seconded the motion.

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

E. NEW BUSINESS:

1. REVIEW A REQUEST BY THE TOWN OF GOSHEN HIGHWAY SUPERINTENDENT TO TAKE STEPS NEEDED TO REPLACE A HARTLEY ROAD CULVERT PIPE

Councilman Cappella explained details of a letter (5/8/2012) written to the Town Board by Broderick Knoell, Superintendent of Highways. There is still an outstanding FEMA project for the repair of the Hartley Road concrete culvert. Mr. Knoell is requesting an extension beyond October 16, 2012. The total approved project costs are \$297,594.71 to be paid for by the Town and reimbursed by FEMA. The Federal and State shares would total 87.5% and the Town share would be 12.5% (\$37,200). Councilman Cappella pointed out that the issues are under a time frame. The first step is to survey the project to determine exactly how this is to be done. The engineer will compile a bid package for the project. The short fall is that the Town might get three bidders who might be able to do the work on time or they might not, depending on construction/weather delays. There are no guarantees. It is recommended to begin the project enabling us the opportunity to put in for another extension if needed.

Councilman Cappella made the motion to authorize the Superintendent of Highways to begin the steps needed to replace the Hartley Road culvert. Councilman Canterino 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.

2. GOSHEN IN BLOOM

The Town has an agreement with “Goshen In Bloom” to hang flowering window-box planters around the Town Hall. “Goshen In Bloom” is a not for profit organization. The planters add to the spirit/involvement and beautification of the Village.

Councilman Newbold made the motion to renew the planting agreement for 8 window box planters for the sum of \$120. Councilman Lyons seconded the motion.

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

F. FINANCE:

Councilman Newbold made the motion to authorize the Supervisor to pay Manual A/P runs of 05/02/12 amounting to \$493,349.57 and Accounts Payable Check run for 05/10/12 amounting to \$78,065.44. Councilman Cappella seconded the motion.

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

G. PRIVILEGE OF THE FLOOR

Alex Petrovics, Meadowbrook Lane, questioned why there hasn't been any work done to the creek behind his home. It's been 9 months since Hurricane Irene flooded the creek, damaging his home/yard. It was a dry winter and *nothing was done*. Response: A request for money, through the County, was submitted for three projects within the Town. One of them is for clearing debris in the Otterkill Tributary 12 (per FEMA flood area maps). We haven't heard from the County as to the status of our request. Mr. Petrovics was advised to stop by the Highway Dept. to inquire as to when the questioned project will be done.

He also asked if a street sweeper can come through Hambletonian Park. Response: Recently the Highway Dept. completed the spring bulk cleanup. Now they are picking up branches throughout the Town. Incidentally, the property owners should not be putting branches/leaves out on the street. The brush is to remain on their property. When that job is completed, a sweeper will go through the development.

Joel Markowitz, Wickham Ave. reminded the public that the Town meetings, as well as other municipal meetings, are on YouTube, <http://goshennewyork.info>

H. EXECUTIVE SESSION:

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

1. MTBE Contamination Update
2. Woodland Estates Tax Certiorari

with the intent not to return. The motion was seconded by Councilman Canterino. Motion Carried

ADJOURNMENT: 8:30 PM

Priscilla Gersbeck, Deputy Town Clerk

