

TOWN BOARD MEETING

May 23, 2013

MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 23rd day of May, 2013 at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:	Douglas Bloomfield	Supervisor
	Louis Cappella	Councilman
	Philip Canterino	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 7:30 pm, followed by the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

Hudson River Estuary Watershed Resiliency and Management Grant Program is added under new business.

C. PRIVILEGE OF THE FLOOR (agenda items only)

D. REPORTS:

Councilman Canterino reported that Police Chief James McDowell has adjusted to the duties of his new position and is doing a fine job.

Councilman Lyons detailed the active summer schedule in the JRC program. The Zumba fitness classes are held at the Goshen Senior Center on Tuesday's and Thursday's. The recreational day camp program begins on June 24th through August 9th. The drama kids camp will be held from July 15 to July 19. There are many summer sports programs. *[The list is available in the JRC office]*. On a cooler thought, the Radio City bus trip to see the Christmas Show will be leaving on December 12th. *[Details available in the JRC office]* A memorial service for the re-naming of Craigville Park to the Myron Urbanski Memorial Park will be held on June 29th at 10:00am. Everyone is invited.

Councilman Newbold reported that letters have gone out to the residents in the water districts pertaining to the I & I inspections. There was a great response of people calling in to schedule appointments. The new generator for Hambletonian Park will be in place and connected by the end of June. On another note, last Friday he volunteered for the program, Meals-On-Wheels, delivering meals to the less fortunate. "It's quite impressive, what they do for the people in Orange County", stated Councilman Newbold. "Kudos! to Orange County and the taxpayers for helping out those people in need".

Councilman Cappella noted that the Highway Dept. is very pleased with the two, newly-hired seasonal workers. The road improvement plan for 2013 was presented at Monday night's meeting. The two mile stretch of Old Chester Road will be reclaimed, black-topped and several large culverts will be replaced. This also extends to Duck Farm Road. Chip sealing will take place along 6 ½ Station Road and Cheechunk Road. With the opening of the Orange Regional Hospital, Phillipsburg Road has seen a higher volume of traffic. Therefore, T & L (true & level) work will be done to prepare that road for the future. Councilman Cappella was proud to announce that with over 70 miles of roadways, we have increased our road program by 47.4% while staying under the 2% cap.

Supervisor Bloomfield also volunteered delivering Meals-On-Wheels last week. He felt the program provides a valuable service not only delivering meals, but for the social interaction that some of the people look forward to. He attended the Chamber breakfast honoring two youth groups; Science Olympia and Odyssey of the Mind. "How well we think is beyond the academics". The accomplishments earned by these students will contribute towards their future success. He felt their projects were astounding. Likewise, he was present as two scouts received their Eagle Awards. Kudos to all of those involved in the various levels of scouting. They are an asset to our community.

E. OLD BUSINESS:

1. ACCEPT AND APPROVE 2012 YEAR-END BUDGET TRANSFERS REQUESTED BY THE TOWN BUDGET OFFICER.

The Budget Officer has requested an approval to make year-end budget transfers in all funds where necessary. The transfers will facilitate account overages that may run beyond budget, especially for those where invoicing is still outstanding and difficult to forecast. Some of the "big ticket items" are noted.

Councilman Canterino made the motion to accept and authorize the Budget Officer, Bill Standish to make the year-end budget transfers in all funds from their contingency account budgets, from accounts with excess budget dollars available for transfer, and from fund balance accounts where necessary. 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: Motion carried by a vote of 5 to 0.

2. REVIEW REQUEST BY VILLAGE OF GOSHEN TO ANNEX VILLAGE OWNED LAND LOCATED IN THE TOWN ADJACENT TO ROUTE 17M

Village Mayor, Kyle Roddey, handed the Board a letter from the Village Attorney, David Donovan and a Google Earth map of the aforementioned property. Accompanying Mayor Roddey was intern Christopher McClelland who is studying political science.

The letter outlines parameters acceptable for the annexation. Specifically, an arrangement will be made whereby the Town Engineer would have the right to review, comment and impose requirements that would

have to be satisfied by the developer of the property addressing any concerns that may impact properties located in the Town.

Attorney Caplicki suggested that a joint resolution should be passed by both the Village and Town Boards. Even though there is no requirement to hold a public meeting on the annexation, he recommends it would benefit the public to hold one. Mayor Roddey is confident that the Village Board would agree to joint/public meeting. He suggested including Salesian Park on this agenda.

Supervisor Bloomfield called for comments from the Board. As each Councilman spoke it was evident that the decision to annex was unanimous. Questions were brought up pertaining to the lagoons and protecting the bird sanctuary. Mayor Roddey assured the Board that environmental issues will be addressed with proper safe guards. Well wishes were exchanged in acknowledgement of a good working relationship between the Village and the Town.

Supervisor Bloomfield asked Attorney Caplicki to meet with the Village Attorney, David Donovan, to put the details in order. It was decided to hold the public/joint meeting on June 17th.

3. DISCUSS AND APPROVE PROVISIONAL ACCEPTANCE OF 5 SISTERS PROPERTIES, LLC MINOR SUBDIVISION CONSERVATION PROPOSAL

Building Inspector, Neal Halloran, has communicated with the Dept. of Health that there is raw sewage draining towards the 5 Sisters parcel from adjoining parcels. The Dept. of Health will send inspectors to the site to test the soil and notify the property owners to correct the violations. The builder is requesting a *provisional* approval from the Board so that he can keep on track with the planning process. With much discussion it was determined that it is not the fault of the property owner and an enforcement action from the Dept. of Health is expected. However, we do not know what action the Dept. of Health will take.

Discussion also raised concerns that the Town of Goshen, having a Conservation Easement on this property, can be liable for the sewage on the property. Attorney Caplicki assured the Board that there is protection for the Town as far as liability indemnification stating that the owner of the property is responsible for the upkeep and maintained, as required by law, of the Conservation Easement. Therefore there is the provision for the grantor to indemnify and hold the Town harmless from any claims. The Town is protected to the extent that it can be.

Councilman Cappella made the motion to authorize the Supervisor to sign the Declaration of Conservation Easement, 5 Sisters Properties LLC, to the Town of Goshen with respect to the subdivision known as 5 Sisters Properties, LLC Tax Map No. Section 2, Block 1, Lots 25 and 68. 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: Motion carried by a vote of 5 to 0.

Councilman Cappella made the motion to authorize the Supervisor of the Town of Goshen to sign any and all documents necessary to complete the Irrevocable Offer Of Dedication from 5 Sisters Properties, LLC to the

Town of Goshen with respect to those fee and easement parcels to be given to the Town of Goshen for road purposes. 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: Motion carried by a vote of 5 to 0.

F. NEW BUSINESS:

1. ACCEPT LETTER OF RESIGNATION BY RALPH HUDDLESTON, GOSHEN PLANNING BOARD CHAIRMAN

Councilman Canterino made the motion to accept the letter of May 13, 2013 resignation by Ralph Huddleston, Planning Board Chairman, effective May 31, 2013. Councilman Newbold seconded the motion.

Discussion: Ralph was technically trained and did a tremendous job. His professionalism as Planning Bd. Chairman will be missed.

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

2. APPOINT LEE BERGUS GOSHEN PLANNING BOARD CHAIRMAN

Councilman Canterino made the motion to appoint Lee Bergus as Planning Board Chairman effective May 31, 2013. Councilman Cappella seconded the motion.

Discussion: Lee is an engineer who has been on the Planning Board for several years.

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

3. APPOINT PHILIP DROPKIN TO THE PLANNING BOARD

Councilman Newbold made the motion to appoint Philip Dropkin to the Planning Board effective June 1, 2013. Councilman Lyons seconded the motion.

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

4. REVIEW AND APPROVE ADC ORANGE STIPULATION EXTENSION

ADC (Maplewood Village) development was the subject of a court action culminating in a "Stipulation" that provides for the construction of 103 dwelling units. The water supply is to be provided as an integrated system with the existing Hambletonian Park District. The sewer is to be disposed of by a direct connection to the Village of Goshen or by connecting to Hambletonian District.

Attorney Caplicki stated that there is a request for the three previous stipulations to be extended one year beginning on June 11, 2013. While these stipulations are in effect, for whatever reason, the Town Planning Board doesn't approve what ever application is before them; they would have the right to reactivate the litigation. The initial application has not been changed.

Councilman Lyons made the motion to approve and to authorize the Supervisor to sign the ADC Stipulation Extension for one year beginning on June 11, 2013. Councilman Newbold seconded the motion.

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

5. INFORMATION: TOWN OF GOSHEN HAS OFFICIALLY BEEN DESIGNATED MS4 IN REGARD TO STORM WATER MANAGEMENT

The Federal Clean Water Act requires municipalities which operate a municipal separate storm sewer system (MS4) that is located within an urbanized area to obtain a permit to discharge stormwater, unless they can qualify for a waiver.

A letter was received from the NYS DEC informing the Town that all or part of our jurisdiction has been identified as being located within an urbanized area according to the 2010 Census; therefore our MS4 will come under the purview of the Clean Water Act's stormwater permitting requirements in accordance with 40 C.F.R. §122.32(a)(1).

In summary, the Village and Town of Goshen are designated MS4 regarding storm sewer system. Accordingly, we are to develop and implement a Stormwater management Program (SWMP) to minimize the discharge of pollutants through and from their MS4 into waters of the State. Neal Halloran is working with our engineers at Riddick Associates to understand what we are to do.

6. DISCUSS AND APPROVE WAIVING A \$105.00 BUILDING PERMIT FEE FOR THE DAR SCHOOL RESTORATION (FLOOR REPLACEMENT)

The ladies of Minisink Chapter, National Society Daughters of the American Revolution Schoolhouse Curator requested that the building permit fee be waived for work to be done on the Old Stone Schoolhouse on Route 17A. For every amount saved can be applied to the restoration effort.

Councilman Newbold made the motion to waive the \$105.00 building permit fee for renovations to the Old Stone Schoolhouse. Councilman Canterino seconded the motion.

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

7. HUDSON RIVER ESTUARY WATERSHED RESILIENCY AND MANAGEMENT GRANT PROGRAM

The Orange County Water Authority is making an application for a grant to the NEIWPCC and the NYS DEC Hudson River Estuary Watershed Resiliency and Management Program. The grant will be used to seek solutions to reduce flood-related damages in the future. Orange County Water Authority has asked us to write a letter to the NYS DEC Hudson River Estuary program as a show of support.

Councilman Newbold made the motion to authorize the Supervisor to send a letter of support for the grant program, to the New Paltz NYS DEC Hudson River Estuary Program. Councilman Canterino seconded the motion.

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

G. FINANCE

Councilman Cappella made the motion to authorize the Supervisor to pay manual A/P runs of 5/06/2013 to 05/17/2013 amounting to \$235,154.51 and accounts payable check run for 5/23/2013 amounting to \$164,728.31. Councilman Lyons seconded the motion.

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

H. PRIVILEGE OF THE FLOOR

Joel Markowitz, (question 1 of 3) inquired if scholarships were offered for low income children to take part in the summer JRC programs? Answer: The JRC contacts the school social workers making arrangements for hardship cases on an "as needed" bases. (Inaudible)

Question 2: What is the status of the previous Police Chief litigation? Answer: there is a pending litigation filed by Dennis Marsh against the Town seeking compensation for alleged accrued vacation and sick days.

Question 3: What is the status of Faith, et al vs. Town of Goshen? Answer: The petitioners, who have homes located in the flood plain, are seeking unknown relief and wanting the Town of Goshen, NYS DEC and Orange County to be responsible for the flooding along the Walkkill River.

J. EXECUTIVE SESSION:

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

1. ADC Orange Water/Sewer Negotiations
2. P.D. Personnel Case Update
3. Elkarpo LTD – Legal Matter
4. ERB & ZBA Personnel Needed

with the intent to return. The motion was seconded by Councilman Lyons. Motion Carried
Time 9:00PM

Supervisor Bloomfield reopened the meeting to take action on the following resolution.

**TOWN OF GOSHEN
Resolution**

APPOINTMENT OF SPECIAL ATTORNEY FOR POLICE DISCIPLINE

INTRODUCED BY: Councilman Philip Canterino
SECONDED BY: Councilman Kenneth Newbold

DATED: May 23, 2013

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 23rd day of May, 2013,

WHEREAS, the Town of Goshen has received numerous complaints and allegations of misconduct by members of the Town of Goshen Police Department, and

WHEREAS, the Town Board of the Town of Goshen has investigated said complaints and allegations including, but not limited to, commissioning two (2) audits by the accounting firm of Nugent & Hauessler, and

WHEREAS, the Town Board of the Town of Goshen is greatly concerned with respect to the aforementioned complaints and allegations and the findings of the aforementioned audits, and

WHEREAS, the Town Board of the Town of Goshen believes that it is in the best interests of the Town to appoint a special attorney to investigate said complaints and allegations and initiate appropriate disciplinary proceeding (s)

NOW, BE IT THEREFORE RESOLVED that Town of Goshen does hereby appoint Richard Golden Esq. Special Attorney For Police Discipline to investigate said complaints and allegations and initiate the appropriate disciplinary proceeding(s) at a per diem rate of compensation.

Upon Roll Call Vote:

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

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

Councilman Newbold made the motion to adjourn the meeting. Motion seconded by Councilman Lyons.
Motion carried

Priscilla Gersbeck, Deputy Town Clerk