

TOWN OF GOSHEN
TOWN BOARD MEETING
November 13, 2014
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 13th day of November, 2014 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
	George Lyons	Councilman
	Kenneth Newbold	Councilman

Absent	Philip Canterino	Councilman
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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 7:40 pm, followed by the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

C. PRIVILEGE OF THE FLOOR (agenda items only)

None at this time.

D. OLD BUSINESS

1. DISCUSS REQUEST TO RETURN LIFESTYLES CONCEPTS PERFORMANCE BOND FOR ACCESS ROAD TO THE ELANT PROJECT

Attorney Caplicki spoke to the Village Planning Board Attorney, Michael Donnelly, who believes that the Village will not object to the release of the bond. This matter should be ready for the next meeting.

2. DISCUSS REQUEST TO RETURN BEAZER HOMES PERFORMANCE BOND IN CONNECTION WITH THE GLENVIEW HOUSE PROJECT

There is a lot of conflicting information concerning this portion of the road. Currently the deeds presented from the Village of Florida are being reviewed for transfer verification. Ideally, a deed should come from Beazer to the Town of Goshen for the entrance portion of the road located in the Town of Goshen. In addition an inter-municipal agreement should be drawn up between the Village of Florida and the Town of Goshen annexing that portion of the road. The road is not complete, it needs a surface coat. Likewise, it hasn't been properly dedicated to the Village of Florida.

3. YOUNG'S GROVE PROJECT: STATUS/DISCUSSION

Supervisor Bloomfield referenced a letter from Steven Esposito, RLA of Esposito & Associates pertaining To Reiger Homes/Young's Grover 9-2-8.452. This project received Conditional Preliminary Major Subdivision Approval on February 20, 2014. They have been working with Riddick Associate evaluating the preliminarily approved wastewater treatment alternatives which include construction and operation of an on-site wastewater treatment plant or construction of a force main to the Village of Goshen's sewage treatment plant. In meeting with the professional planners, it was determined that the cost of construction would be about the same with no significant economic incentive either way. Also the force main length is very long and the sewage hold-up time will depend on the size of the pipe/pumps. This is crucial for the health and wellbeing of the residents. Our experience with long force mains in Arcadia Hills have been costly to repair and clean-up. There have been several breaks, fractures in the line due to mechanical malfunctions and corrosion from leaks and spills. Furthermore, the location of the proposed force main hasn't been discussed.

Supervisor Bloomfield motioned for discussion.

Attorney Caplicki summarized the proposed response: historically, the Town didn't favor package plants because of maintenance/management costs. However, the length of the presented force main will present problems of its own.

There were other items to consider which prompted the Supervisor to make the following motion. Supervisor Bloomfield made the motion to authorize Attorney Caplicki to pen a letter to Esposito & Associates conveying the Board's concerns, and based upon what is presented, that the waste water treatment would be better treated by a package plant other than the construction of a long force main line. Councilman Newbold seconded the motion.

Discussion: In stating their opinions, Board Members unanimously agreed in favor of the package plant.

On A Voice Vote, the motion passed: 4 AYES Bloomfield, Cappella, Lyons, Newbold
0 NAYS
1 ABSENT

4. APPROVAL OF MINUTES

Councilman Lyons made the motion to approve the minutes of work sessions dated October 6th, October 20th and the regular meetings dated October 9th and October 23rd with one minor correction. Councilman Newbold seconded the motion. It was noted that there were Councilmen absent at meetings, however there was always a majority present.

On A Voice Vote, the motion passed: 4 AYES Bloomfield, Cappella, Lyons, Newbold
0 NAYS
1 ABSENT

E. NEW BUSINESS

1. **DISCUSS AND APPROVE RESOLUTION TO RELEVY ON THE 2015 TOWN PROPERTY TAXES UNPAID WATER AND SEWER CHARGES**

TOWN OF GOSHEN RESOLUTION
 RELEVY OF UNPAID WATER AND SEWER CHARGES

BE IT RESOLVED that the following charges for water and/or sewer service remaining unpaid as of the date of this resolution be relevied upon the 2015 real property tax rolls:

Levy of Unpaid Utilities

<u>NAME</u>	<u>DISTRICT</u>	<u>AMOUNT</u>
Hambletonian Park	District 1 Water	\$22,217.49
	District 1 Sewer	\$46,493.66
	Subtotal	\$68,711.15
Arcadia Hills	District 2 Water	\$50,655.66
	District 2 Sewer	\$101,008.16
	Subtotal	\$151,663.82
Stone Hedge	District 3 Water	\$5,397.25
Scotchtown	District 4 Water	\$2,172.21
TOTAL LEVY OF UNPAID UTILITIES		\$227,944.43

On a motion by Councilman Kenneth Newbold, seconded by Councilman George Lyons, the resolution was adopted on a vote of 4 Ayes, 0 Nays, 1 Absent

The Supervisor Declared this Resolution adopted on November 13, 2014.

2. DISCUSS AND APPROVE RESOLUTION TO RELEVY ON THE 2015 TOWN PROPERTY TAXES UNPAID CHARGES FOR PROPERTIES CLEAN-UP IN 2014

Attorney Caplicki noted that according to the Town Code, Chapter 75, notice of violations were served. The occupants did not respond. Consequently, the Town took over and cleaned the violations on each parcel.

"WHEREAS, the Town of Goshen expended the amount(s) of \$300 to remedy the Chapter 75 violations determined to exist on parcel Section 25, Block 5, Lot 13; \$300 to remedy the Chapter 75 violations determined to exist on parcel Section 25, Block 3, Lot 14; and \$2,500 to remedy the Chapter 75 violations determined to exist on parcel Section 19, Block 1, Lot 34.1,"

"NOW THEREFORE BE IT RESOLVED that, pursuant to the terms of Chapter 75 of the Code of the Town of Goshen, that the aforementioned amounts incurred by the Town of Goshen in bringing said properties into compliance with the requirements of Chapter 75 of the Code of the Town of Goshen be levied and included in the annual tax levy against the particular real property parcel; to wit,
 \$615 against Section 25 Block 5 Lot 13
 \$615 against Section 25 Block 3 Lot 14
 \$3,025 against Section 19 Block 1 Lot 34.1"

The Motion Authorizing Costs of Cleanup of Real Property Parcels Pursuant to Chapter 75, Property Maintenance, of the Code of the Town of Goshen Be Levied on the 2015 State, County, & Town Tax Billings for the Particular Real Property Tax Parcels,

Introduced by: Councilman Kenneth Newbold, Seconded by: Councilman George Lyons
Upon a Roll Call Vote of 4 to 0, 1 absent; Resolution Carried
The complete Resolution is on file in the Clerk's Office and open to the public.

Attorney Caplicki requested that two items listed in the Executive Session be transferred under New Business, following numbers three and four.

3. DISCUSS HAMBLETONIAN TOWING, RESPONSE LETTER

Supervisor Bloomfield read from a letter received from Raymond Simpson Jr. of Hambletonian Towing Inc... In summary, the letter references a day in October that Adamis towing was about to tow a car. The Police Officer noted that this was the call day for Hambletonian Towing and instructed Adamis to unhook and leave the scene. A complaint against Adamis Towing Inc. for *running accidents* was made to the Police Chief. Mr. Simpson is inquiring if his complaint was followed up on and what was done about this violation to the tow policy.

Attorney Caplicki spoke with the Chief of Police and it was determined that the Officer in charge responded correctly in ordering Adamis to leave the scene. The town doesn't want to become involved in refereeing disputes of this nature. The Town relies on the Police Dept. to "police" these issues and act according to the tow policy. A letter will be sent closing the issue with no penalty given out. It will reinforce to the Police Dept. that it is their responsibility to act properly and enforce the town policy.

4. DISCUSS HAMBLETONIAN PARK SECTION F. RESPONSE LETTER

Supervisor Bloomfield read from a letter from the Planning Board Attorney, Richard Golden dated October 28, 2014. This letter pertains to the Hambletonian Park, Section F, subdivision of property located at the end of Upper Magic Circle Drive into 37 single-family lots. It received Conditional Preliminary approval in June of 2008 and has been receiving extensions since that date. According to the Applicant, the project has not moved forward for four years, because of a lack of water facilities. The Planning Board is seeking advice from the Town Board as to whether there is any reasonable expectation that the Town will provide the Hambletonian Park subdivision with Town water. The Planning Board wants to make a determination as to whether it ought to continue to extend this Conditional Preliminary approval indefinitely.

Attorney Caplicki noted that this subdivision started long ago and that the present Planning Board Attorneys, Consultants/Engineers, some of the Councilmen were not present/involved at that time. He advised those individuals to "educate" themselves with every *available* document connected to this subdivision. The details have to be re-examined as to the best way to proceed.

Supervisor Bloomfield recalled at that time, there wasn't sufficient water for 37 more homes. Several possibilities were explored questioning the availability of water.

Attorney Caplicki noted that at that time there was a policy enacted by the Town Board (Supervisor Myron Urbanski proceeding) that any development of this type throughout the Town would not be permitted unless the applicant included in the application a source supplementing an existing water source as to not cause a problem. That policy is still in effect. Currently there has been no change, meaning no additional water, in Hambletonian Park. However, there are a few up-coming additions that will impact Hambletonian Park. Therefore, this has to be looked into thoroughly. It is advised that the Applicant(s) meet with the various Boards to bring everyone up-to-speed.

Councilman Cappella stated that there are a few people on the Planning Board who were present and they might be able to add information as to why this had stopped.

Supervisor Bloomfield explained that at one time the housing market collapsed, limiting home sales. Now the market has turned around. Also, there are two other subdivisions (ADC Maplewood & NY Farms) who *potentially* can provide water.

Attorney Caplicki stated "It's an issue which you're going to have to look at, which you need to study. You need to be educated on, and it's going to take some time. It just doesn't lend itself to a simple motion/resolutions as of this evening".

Councilman Lyons commented that there are many "other" issues besides water that are controversial. Discussion followed. Some of the "other" issues surrounded roads, location of wells, ownership of wells, Bridle Path access and the status of available escrow.

Attorney Caplicki would like to meet with the Planning Board Attorney's and Engineers to determine the current status and for guidance for the Town Board.

F. FINANCE:

Councilman Newbold made the motion to authorize the Supervisor to pay Accounts Payable Check Run for 10/09/2014 amounting to \$286,079.28. Councilman Cappella seconded the motion.

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

G. PRIVILEGE OF THE FLOOR:

Lynn Riccardulli, Upper Magic Circle Dr., inquired as to what can be done with the two rusted water tanks located about 40 ft. – 50 ft. behind her home? The two tanks have not been in use prior to 1987. For safety reasons, she would like the Town to assess the *stability* of the two tanks.

Supervisor Bloomfield will set-up a meeting by the end of next week, with Broderick Knoell (Superintendent of Highway & Water Dept.) who is a mechanical engineer and Joseph Klopchin (Water Consultant) to evaluate the issue. Future plans involve taking down the water tanks and the large water tower (in use), replacing it with a larger water tower to include a new subdivision.

Councilman Newbold referenced the meeting/vote of the Orange County Legislator about the future of Valley View Nursing Center. He thanked Councilman Lyons and his Daughter who spoke on behalf of those who cannot speak and for those who shared the same opinion who were unable to attend. As at past meetings and today, they were *excellent!* We thank him from the people of Goshen who also believe that Valley View should not be sold. The vote was 12-9 – no LDC (same as last year).

H. EXECUTIVE SESSION:

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

1. Al Turi Tax Certiorari Status

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

ADJOURNMENT: 8:45 PM

Priscilla Gersbeck, Deputy Town Clerk