

TOWN OF GOSHEN
TOWN BOARD MEETING
December 10, 2009
MINUTES

A Regular Meeting of the Town Board of the Town of Goshen was held on the 10th day of December, 2009 at 7:30 p.m. at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

PRESENT:	Douglas Bloomfield	Supervisor
	George Lyons	Councilman
	Louis Cappella	Councilman
	Philip Canterino	Councilman
	Kenneth Newbold	Councilman

ALSO PRESENT:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

A. CALL TO ORDER:

Supervisor Bloomfield called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA:

Supervisor Bloomfield said he would like to add as number one, under Old Business, Brenda Parker, a Representative of Time Warner.

The Supervisor also asked Councilman Newbold to report on a significant water main break in Stone Hedge. Councilman Newbold said the break occurred on Tuesday, December 8th and was a large break. He said a six inch main blew and was complicated by the fact the pipe was twelve feet deep. Therefore, special shoring was needed to make the work place safe, as well as to secure a telephone pole that was very close to the break, to keep it from falling. He explained that due to these circumstances, the Water/Sewer Department was unable to do all the work themselves, and outside help was required. Councilman Newbold stated it will be an expensive break, but only four homes were without water and all were back on as of six o'clock that evening. Supervisor Bloomfield thanked Councilman Newbold for responding to the break.

C. PRIVILEGE OF THE FLOOR (agenda items only) no response

D. OLD BUSINESS:

1. Brenda Parks re: Time Warner Contract: Ms. Parks addressed the Board saying the company had prepared a proposal for the Board and had sent one to Attorney Caplicki as well. She stated that it is now time for the company and the Town Board to begin their negotiations. Ms. Parks explained that when negotiations were completed it would be time to set a Public Hearing. When everything is in agreement the application has to be submitted to the Public Service Commission, which takes approximately three months to be approved. Ms. Parks said it could be up to six months before the agreement would be effective. She said until that time we would be operating under the old agreement.

Supervisor Bloomfield asked the length of the contract and Ms. Parks replied ten years. Supervisor Bloomfield thanked Ms. Parks for coming, and advised her the Board would place the renewal on the agenda for the January 16th Regular Meeting of 2010.

2. DISCUSS REQUEST BY TIMBER TRAIL, LLC FOR A PAC 'SPECIAL USE PERMIT REQUEST'

Supervisor Bloomfield reviewed the Planned Adult Community part of the Zoning Code. He referred to 97- 15 of the Town's Code, item six, which says the PAC must be connected to existing Town Water/Sewer Districts or be included in a new water district created by the Town. He said when the Board was initially discussing this they felt the Town does not have a good history with water/sewer districts. He explained that the four districts we have, the Town had to take over under duress and emergency circumstances. The Board really does not want to create a new stand alone sewer district that the Town will ultimately have to take responsibility for. Supervisor Bloomfield stated when planning the new zoning the Board decided they wanted to see "good planning" when the new subdivisions were created.

Supervisor Bloomfield stated the Board has asked the Town Engineering firm of Riddick Associates to have a look at this application and the terrain, etc. He said the Board has always felt a PAC should be near a Village or other high density subdivision that would have easy access to churches, shopping, etc. Attorney Caplicki reported he had talked to the Town Engineer and he said he expects to have their report and recommendations ready for the Board prior to the new year.

3. Authorize the Supervisor to sign the 2010 Insurance Renewal Contracts with Dickerson and Meany, Inc.:

Councilman Cappella made a Motion to authorize the Supervisor to sign the 2010 Insurance Renewal Contracts with Dickerson and Meany, Inc. The Motion was seconded by Councilman Lyons, and carried unanimously.

4. Review and Approve a Proposal to Settle a Tax Certiorari Brought by Goshen Shopping Inc.:

**TOWN OF GOSHEN
RESOLUTION**

**Settlement of Goshen Shopping Associates Tax Review Proceeding
Section 114, Block 5, Lot 9.22**

INTRODUCED BY: Councilman George Lyons
Seconded By: Councilman Philip Canterino
Date of Adoption: December 10, 2009

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 10th day of December, 2009.

WHEREAS, tax review proceeding (s) has been initiated against the Town of Goshen by Goshen Shopping Associates with respect to certain real property located in the Town and Village of Goshen and known as Section 114, Block 5, Lot 9.22, and

WHEREAS, subsequent to review, defense, research and analysis the Town of Goshen proposes to settle said tax review proceeding (s) and

NOW, THEREFORE BE IT RESOLVED, that the aforementioned tax review proceeding (s) for the taxable status years 2003/2004 through 2009/2010 at the following levels:

Tax Year	Original AV	Proposed Reduction	Proposed AV
2003/04	\$5,300,000	\$1,500,000	\$3,800,000
2004/05	\$5,300,000	\$1,800,000	\$3,500,000
2005/06	\$5,300,000	\$2,000,000	\$3,300,000
2006/07	\$5,300,000	\$2,200,000	\$3,100,000
2007/08	\$5,300,000	\$2,750,000	\$2,750,000
2008/09	\$5,300,000	\$2,700,000	\$2,600,000
2009/10	\$5,300,000	\$2,800,000	\$2,500,000

Subject to approval and confirmation by Dennis P. Caplicki, Esq., Attorney for the Town.

BE IT FURTHER RESOLVED, that Counsel for the Town of Goshen and Jo Ann Soules, Town Assessor, are authorized to sign any and all documents as are necessary to effectuate the terms of this settlement resolution.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	YEA	Councilman, Philip Canterino	YEA
Councilman, Louis Cappella	YEA	Councilman, Kenneth Newbold	YEA
Councilman, George Lyons	YEA		

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

Attorney Caplicki presented the Board with the estimated refunds for the settlements. The Town's portion is \$26,840.00, the Fire Department is \$28,716.00, the County is \$83,518.00, the Village is \$149,832.00, the School is \$408,735.00 and the Library is \$149,832.00.

5. Discuss the Request by Heritage Estates, LLC for an 18 Month Extension of Their Preliminary Approval:

Supervisor Bloomfield said when he was in private enterprise, whenever you had a project you had a "Critical Path". He explained that a "Critical Path" meant you multitasked and had certain things done by a certain time. Therefore, at the end date, you have everything in place to be able to do whatever you need do. He said as a Board we are not seeing this, maybe the Planning Board is, but not the Town Board. Attorney Caplicki stated this applicant has sixty seven requirements to complete for the Planning Board and their Preliminary Approval will run out January of next year. Supervisor Bloomfield said he would like to hear from the applicant just exactly where they are and give the Board some type of "Critical Path" report.

6. Discuss Request by Traskus, Inc. for Time Extension for Conditional Final Approval:

Attorney James Sweeney, representing Traskus, Inc., addressed the Board stating that this project is another that falls in to a time frame. He said since the Conditional Final Approval was given and the completion of the environmental revue process there is a possibility that the cricket frog is on the property, or in the area of the property to be developed. He said this is a 38 lot subdivision on a large piece of property. Since this possibility has to be addressed there is a need for an extension of time, as testing has to be done, and cricket frogs don't come alive until spring. He said therefore, they cannot address this issue until then. Attorney Sweeney said he would like to ask for an extension of approximately eight months. Supervisor Bloomfield asked just what kind of approval the project now has. Attorney Sweeney replied they have Preliminary Approval. There was a short discussion on the various ways to address the cricket frogs if they are there, and who will make the final decision when it is determined the frogs are there. The Board will consult with the Planning Board and the DEC and prepare an answer for Mr. Sweeney prior to the expiration date of his Preliminary Approval.

7. Discuss Proposal by Lone Oaks With Respect to Water Infrastructure issues:

Attorney Caplicki explained that this is another matter that has been extensively reviewed by the Planning Board. Attorney Sweeney said that they are now trying to work some alternatives into the original proposal. He stated these alternatives were not their idea, but were suggested by the Town's experts, the Planning Board professionals. However, he said they cannot proceed without the Town Board's approval.

At this point Mr. Esposito took over, and explained the proposed subdivision and the plans for the water system. He showed the Board, on the map, the Lone Oaks subdivision which is adjacent to and across from the two entrances to Arcadia Hills Development. He pointed out the Hills of Goshen, which is being developed at this time, is across from the Arcadia development and when it was built the Health Department had them put in a dry line, complete with blue hydrants all through the development. He said the Town Engineer Dennis Lindsey suggested the Lone Oaks subdivision should look into this line, as an alternative.

Mr. Esposito said in order to utilize this line, the applicant would have to obtain a commitment from the Town Board to do a couple of things. One is to allow the applicant to build a stand pipe, adjacent to the existing standpipe on Town land. This would mean giving permission for them to access an easement the Town of Goshen has near the Hills of Goshen development. He said they would have to tap into that existing dry line.

He said, then the line could come down and connect into their proposed development which is adjacent to Arcadia Hills. He pointed out the three wells they have in their proposed development, and then there are the existing Arcadia wells. Mr. Esposito asked Thomas Depew, with Depew Engineering, to explain the system further. Mr. Depew said his firm has been doing the infrastructure analysis on this project, and they have looked at this alternative several times, but never had much success. Supervisor Bloomfield asked why they were not successful? Mr. Depew replied the previous Town Board would not give the permission to pursue the project. He went on to explain how the interconnection could work, and the other alternatives they were contemplating prior to Mr. Lindsey suggesting this one. He said they have to know the Town Board's feeling on this before they can go forward. Mr. Depew stated that from an engineering standpoint, this is the right alternative.

The Board discussed the MEMO from Dennis Lindsay recommending consideration of an interconnection between the Lone Oak and the Arcadia Hills Subdivision. Mr. Esposito said it would be good for the Hills of Goshen development as they will now be able to get fire protection. The Board inquired as to why this was turned down by an earlier Board.

Building Inspector Halloran explained that whenever new subdivisions are formed the neighbors will often show concern, in this instance these neighbors are worried they may have to supply water to this development. Supervisor Bloomfield said if this is so, it needs to be explained to the neighbors that they are not supplying the water to this development and make them aware that they can now get fire protection.

The Board decided they would like Engineer Lindsay, and Water/Sewer Consultant Joseph Klopchin to come to a work session and discuss this with the Board. Supervisor Bloomfield said he will place it on the agenda for the first work session in 2010 which will be January 11th.

E. NEW BUSINESS:

1. Set Date for 2010 Re-Organization Meeting – January 4, 2010: After a brief discussion of the fact that Monday will be following a holiday weekend, and many of the Councilmen will be traveling, it was decided that Tuesday, January 5th would be a better date, and the meeting will be at 7:30 p.m. as usual. Councilman Canterino made a Motion to set the 2010 Reorganization Meeting for January 5th at 7:30 p.m. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

F. FINANCE: Councilman Lyons made a Motion to authorize the Supervisor to pay Manual A/P Runs as of 12/1 – 12/03/2009 amounting to \$14,752.78 and Accounts Payable Check Run of December 3, 2009 amounting to \$20,259.65. The Motion was seconded by Councilman Canterino. Motion carried unanimously.

G. PRIVILEGE OF THE FLOOR:

Jerry Boss asked about the unpaid claims that were turned down by the Town's Insurance Company. Supervisor Bloomfield explained that it was not our Insurance Company who turned the claims down, they are the broker, and encouraged Selective Insurance to pay the claims. The Supervisor said our company settled the problem. There was a brief discussion on the claims that were settled and the cost of insurance for the upcoming year.

Mr. Boss asked about the Turi Tax Cert, if there was a court date? Attorney Caplicki stated the next court date is December 23rd. and if there is no resolution at that time, it will probably go into 2010.

There was a brief discussion on IWS.

Councilman Newbold said he would like to recognize the life and death of William Finan. He stated he had the pleasure of working with Mr. Finan in recreation, and he was a gentleman in every way. Councilman Newbold said he will be sorely missed as he was always there regardless of the community needed.

Building and Zoning Inspector Halloran gave a brief report on the status of Heritage Estates saying that they have not responded well to the sixty seven items they need to address.

Joel Markowitz asked how many subdivisions were before the Planning Board at this time? The Building Inspector replied approximately 1,000 to 1,500.

The Board wished everyone a Happy Safe Holiday.

H. ADJOURNMENT: Councilman Newbold made a Motion to adjourn the meeting and go into Executive Session to discuss Sewer Negotiations with the Village and ADC Litigation Status, with intent not to return. The Motion was seconded by Councilman George Lyons. Motion carried.

Time: 9:30 p.m.

Valma Eisma, Town Clerk