

TOWN OF GOSHEN
TOWN BOARD MEETING
January 14, 2010
MINUTES

A Regular Meeting of the Town Board of the Town of Goshen was held on the 14th day of January 2010 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
	Philip Canterino	Councilman
	Louis Cappella	Councilman
	Kenneth Newbold	Councilman

Also Present:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

Absent: George Lyons, Councilman

A. CALL TO ORDER: Supervisor Bloomfield called the meeting to order at 7:35 p.m., and asked Councilman Cappella to lead the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA: Supervisor Bloomfield stated he would like to add an Executive Session to discuss the status of the Village negotiations regarding sewer.

C. PRIVILEGE OF THE FLOOR (agenda items only) :

Jerry Boss asked if the Section, Block and Lot numbers could be put on the agenda when referring to a piece of property. He felt it would be easier for the taxpayer in the audience to identify the property. Attorney Caplicki said the Section, Block and Lot numbers are included in the Resolutions that will be done tonight, but he suggested perhaps the address of the properties might help to identify the parcels. The Supervisor said that would not be a problem.

Cheryl Maturana, resident of Old Chester Road, said she and her neighbors were concerned about the extended exemption that is being considered for Heritage Estates Subdivision. Because of such short notice, her neighbors were unable to attend, but she wanted to know what the impact of this subdivision will have on her well? She asked what has been done to make her and the other residents feel at ease, and said "I do not feel at ease". She said they had asked that the Town Board to be their advocate, and she asked what has been done about the impact on the water.

Supervisor Bloomfield replied he would have to consult with the Planning Board, and the Building Inspector is not here tonight. He explained that the Town Board is not like the Planning Board, and the applicant is not required to come before the Town Board on a regular basis. He said a water district will have to be created for that district, but has not yet been created. Ms. Maturana asked if a district is created does that mean she would have to pay for water. Supervisor Bloomfield replied no, she would not be included in that water district, it would be only for that subdivision, and the residents will be responsible for paying for their own district.

Supervisor Bloomfield said this subdivision was grandfathered under the old code as they were so far along in the process, that it would be unfair to tell them they would have to start all over under the new code, after they had already spent thousands of dollars. He said when the new code was created there were a total of five subdivisions such as this. They were told they had to obtain Conditional Final Approval by the end of January. He said at this point they have not done that, therefore they have come to us to ask for extensions, and in many cases their reasons are valid. Supervisor Bloomfield said tonight the Board will be extending some of these, with the condition they show good faith, or another extension will not be granted.

Ms. Maturana asked if there was a way the residents surrounding the subdivision could be informed when Heritage Estates would be on the agenda again. The Supervisor and Town Attorney replied it would be best that she keep in touch with the Town Clerk and the Building and Zoning Office as to the contents of their agendas, as there is no legal obligation that they be notified.

Councilman Newbold said he had one question. He said he understood these wells have been tested twice and the reports have come back finding no dramatic impact on these wells. He said the developer seems to accept these reports, if so how does the Board make them re-address this?

Supervisor Bloomfield stated the Planning Board has been receiving and reviewing these reports and they came back to the satisfaction of the Planning Board, according to code. He said the Board then asked the Town Engineer to review them and report back to the Town Board before the Board would create a water district.

Jerry Boss asked what did these five subdivisions have in common that made them eligible to be grandfathered? Attorney Caplicki stated that each was examined basically for due diligence in terms of what they had done to date, and what was unique about their situation that they should be grandfathered. They were given six months to obtain conditional final approval. Some of these subdivisions have been held back by circumstances beyond their control, such as the one with the cricket frog problem.

Attorney Caplicki went on to explain the time restrictions have been placed at various times so that these subdivisions would not act now, and might wait until years later to surface again. When coming back the zoning rules and regulations may have changed and the subdivisions might no longer be eligible to build what was originally planned. He said this is what this Board did not want to happen, therefore the time restraints were put in place.

Attorney Caplicki, at Councilman Cappella's suggestion, explained these projects were grandfathered because they had already spent hundreds of thousands of dollars, and had already obtained Preliminary Approval at the Planning Board level. The Board felt it was only fair to grandfather them, and allow them to continue under the old code.

D. OLD BUSINESS:

1. Resolution Stating Town Position Regarding A & L Acres Storm Water Drainage:

Attorney Caplicki explained that this Resolution deals with the formation of a drainage district and he reviewed the following with the Board.

**TOWN OF GOSHEN
RESOLUTION**

**Denial of Petition for Formation of Drainage District with Respect to
A & L Acres, LLC Subdivision Project (Section 13, Block 1, Lot 34.2)**

INTRODUCED BY: Councilman Kenneth Newbold
SECONDED BY: Councilman Louis Cappella
DATE of ADOPTION: January 14, 2010

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 14th day of January 2010;

WHEREAS, A & L Acres, LLC applied for a subdivision of property located within the Town of Goshen and in connection therewith petitioned the Town of Goshen for the formation of a drainage district servicing the project; and

WHEREAS, on March 13, 2008 a public hearing was held by the Town Board of the Town of Goshen with respect to said petition for the creation of a drainage district; and

WHEREAS, the Town Board of the Town of Goshen has reviewed and studied the pertinent petition, received and reviewed all comments and submissions made at the public hearing in connection with the creation of the proposed drainage district, and deliberated with respect to the creation of said district; and

WHEREAS, the Town Board of the Town of Goshen finds that creation of the requested drainage district would cause an unnecessary administrative burden to the Town of Goshen, would expose the Town of Goshen to potential liability claims(s), and would expose the Town of Goshen to additional costs and expenses,

NOW, THEREFORE, BE IT RESOLVED, that the petition of A & L Acres, LLC for the creation of a drainage district to service the A & L Acres, LLC subdivision project be denied.

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>ABSENT</u>		

Vote: Resolution carried by a vote of 4 to 0.

2. Resolution to Extend Exemption From Current Town Code to A & L Acres Storm Water Drainage: Attorney Caplicki reviewed the Resolution with the Board.

**TOWN OF GOSHEN
RESOLUTION**

Extension of Exemption Pursuant to Section 5 of Local Law #4 of 2009 with Respect to A & L Acres, LLC Subdivision Application (Section 13, Block 1, Lot 34.2)

INTRODUCED BY: Councilman Philip Canterino
SECONDED BY: Councilman Louis Cappella
DATED: January 14, 2010

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 14th day of January, 2010;

WHEREAS, A & L Acres, LLC applied for a subdivision of property located within the Town of Goshen and received conditional final approval therefore with respect to Phase 1, consisting of twenty (20) lots, on January 17, 2008; subsequently, the applicant reapplied for conditional preliminary approval and was granted conditional preliminary approval for the entire project on August 20, 2009; and subsequently received conditional final approval for Phase 1, twenty (20) lots, on August 20, 2009, Phase II consisting of nine (9) lots not having received any approvals, and

WHEREAS, the applicant has petitioned the Town Board for an extension of time within which to obtain conditional final approval with respect to Phase II of the project; and

WHEREAS, the applicant has demonstrated that it has pursued the application with due Diligence and complied with almost all conditions interposed by the Planning Board of the Town of With respect to said application and the applicant is proceeding with the development of Phase I consisting of twenty (20) lots, and

NOW, THEREFORE, BE IT RESOLVED, that A & L Acres, LLC be granted a nine (9) month Extension of time to October 28, 2010 from the requirements of Section 5 of the Town of Goshen, Local Law #4 Of 2009 so as to obtain conditional final approval with respect to Phase II of the project.

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>NAY</u>
Councilman, George Lyons	<u>ABSENT</u>		

Vote: Resolution carried by a vote of 3 to 1,

Councilman Newbold stated that while the Board is going through these extensions. He said he felt the taxpayers went out of their way to allow these subdivisions to go forward through the old zoning. He said this saved the developers a lot of money. He said they were given this break only to come back and ask

for more time. He pointed out that if these nine lots were taxed as building lots the taxpayers would be receiving a lot of income. We are now allowing the development to keep this tax money in abeyance.

He said he is against this one " as I feel the taxpayers have given them enough." He said he sees no benefit in this for the taxpayers.

3. Resolution to Extend Exemption From Current Town Code to the Traskus Subdivision Project for Nine Months: Attorney Caplicki stated this is similar to the other applications and this is the project with the cricket frog situation. He said they will need time to complete the migratory studies required.

**TOWN OF GOSHEN
RESOLUTION**

Extension of Exemption Pursuant to Section 5 of Local Law #4 of 2009 with Respect to Traskus Subdivision Application (Section 18, Block 1, Lot 8.22)

INTODUCED BY: Councilman Louis Cappella
SECONDED BY: Councilman Philip Canterino
DATED: January 14, 2010

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 14th day of January, 2010;

WHEREAS, Traskus applied for a subdivision of property located within the Town of Goshen and received conditional preliminary approval, therefore on May 17, 2007; subsequently, during the time period the applicant was working towards final approval of the project, it was determined that the Northern Cricket Frog may have a presence on the property and further environmental studies might be required, and

WHEREAS, in order to complete any necessary studies of the Northern Cricket Frog with respect to the premises, the applicant has petitioned the Town Board for an extension of time within which to obtain conditional final approval with respect to the project; and

NOW, THEREFORE, BE IT RESOLVED, that Traskus be granted a nine (9) month Extension of time to October 28, 2010 from the requirements of Section 5 of the Town of Goshen Local Law #4 of 2009 so as to obtain conditional final approval of the project.

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>NAY</u>
Councilman, George Lyons	<u>ABSENT</u>		

Vote: Resolution carried by a vote of 3 to 1.

In discussion Councilman Newbold stated he had been following this project through the Planning Board. He said it has to be two or three years that this project has been dormant, the cricket frog is another issue and can be adjusted later. He said according to the Planning Board minutes, quoted by Susan Cleaver, this project just wants to tread water and see which way the economy goes. He said if they had done anything along the way to put this project on the road, "I would say fine". He said again he would vote no.

Councilman Canterino felt there was a need to clarify the area of taxpayers losing money, this is a non-issue as these projects may never be completed. He felt the issue is we are just giving them time to complete the project. He said it has no bearing on the taxable value of these projects. He said the

attorney has advised the Board that litigating these projects will be very costly to the taxpayers. He said the Board is trying to get the best possible results for the taxpayers and the developers.

Councilman Canterino stated that is why the Board gave these extensions to avoid costly litigation and to be fair to the developers.

Councilman Cappella stated the Board wants the projects to be successful, and it feels that nine months is long enough for them to show good faith. He said if they do not show good faith then they may not be able to obtain any further extensions. However, if they show good faith everyone is a winner.

4. Resolution to Extend Exemption From Current Town Code to Heritage Estates Subdivision Project for Twelve Months: Attorney Caplicki explained that Heritage Estates received Conditional Preliminary Approval and have asked for an extension of time to obtain Conditional Final Approval.

**TOWN OF GOSHEN
RESOLUTION**

**Extension of Extension Pursuant to Section 5 of Local Law #4 of 2009 with Respect
To Heritage Estates Subdivision Application (Section 8, Block 1, Lot 9.22;
Section 11, Block 1, Lot 98.6**

INTRODUCED BY: Councilman Louis Cappella
SECONDED BY: Councilman Philip Canterino
Dated: January 14, 2010

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 14th day of January, 2010;

WHEREAS, Heritage Estates applied for a subdivision of property located within the Town of Goshen and received conditional preliminary approval for the project, consisting of eight one (81) lots, on January 17, 2007; said conditional preliminary approval by the Planning Board of the Town of Goshen included sixty seven (67) specific conditions, and

WHEREAS, the applicant has petitioned the Town Board for an extension of time within which to obtain conditional final approval with respect to the project; and

WHEREAS, the applicant has demonstrated that it has pursued the application with due diligence and complied with many of the conditions interposed by the Planning Board for the Town of Goshen, and

NOW, THEREFORE, BE IT RESOLVED, that Heritage Estates be granted a twelve(12) month extension of time to January 27, 2011 from the requirements of Section 5 of the Town of Goshen Local Law #4 of 2009 so as to obtain conditional final approval of the project.

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>ABSENT</u>		

Vote: Resolution carried by a vote of 4 to 0.

5. Resolution to Extend Exemption From Current Town Code to Zalunski Subdivision Project Phases II and III for Nine Months: Attorney Caplicki reviewed the following Resolution with the Board.

**TOWN OF GOSHEN
RESOLUTION**

Extension of Exemption Pursuant to Section 5 of Local Law #4 of 2009 with Respect to Zalunski subdivision Application (Section 20, Block 1, Lot 8)

INTRODUCED BY: Councilman Kenneth Newbold
SECONDED BY: Councilman Philip Canterino
DATED: January 14, 2010

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 14th day of January, 2010;

WHEREAS, Zalunski applied for a subdivision of property located within the Town of Goshen and received conditional final approval therefore for Phase I (7 lots) on January 7, 2010; Phase II consisting of five (5) lots and Phase III consisting of six (6) lots each having previously received preliminary approval, and

WHEREAS, the applicant has petitioned the Town Board for an extension of time within which to obtain conditional final approval with respect to Phases II, III of the project; and

NOW, THEREFORE, BE IT RESOLVED, that Zalunski be granted a nine (9) month extension of time to October 28, 2010 from the requirements of Section 5 of the Town of Goshen Local Law #4 of 2009 so as to obtain conditional final approval with respect to Phase II, III of the project.

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>ABSENT</u>		

Vote: Resolution carried by a vote of 4 to 0.

6. Approve Town Board Minutes: Councilman Newbold made a Motion to approve the Work Sessions of November 9th, November 12th and December 7, 2009 and December 7 of 2010. Combined Meeting of November 23rd and Regular Meeting of December 10, 2009. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

7. Authorize the Supervisor to Sign the 2010 Worker's Compensation Claims Runoff Management Agreement: Supervisor Bloomfield explained that for a couple of years the Town has had it's Worker's Compensation with the Orange County Risk Pool, and it became very costly. The County wants to get out of the business and the Town would like to find something not quite so expensive. The Supervisor said the Board decided to change to Wright Risk Management, and now we pay a premium each month in case someone gets hurt. He explained the premium is based on this current insurance plan. However, he said the Town had claims from people who had been injured in the past, through the years, he said these are called tail claims. These people are still getting medical treatments and their cases have not been resolved, and we pay for their bills as we go. He said this company we are hiring will be taking care of these claims.

Councilman Newbold made a Motion to authorize the Supervisor to sign the 2010 Worker's Compensation claims Runoff Management agreement. The Motion was seconded by Councilman Cappella. Motion carried by a vote of 4 to 0.

E. NEW BUSINESS:

1. Resolution Regarding the Town Standard Work Day/Reporting to the New York State Board of Pensions for Town elected Officials. Supervisor Bloomfield explained that elected officials who are not in tier four New York State Pension Plan have till December 31, 2009 to enroll, or they will be placed in the new tier which will be tier five. He said the State is now asking that there be some accounting for the hours submitted by the elected officials, and are asking for a resolution establishing a normal work week for the Town. Councilman Newbold made a Motion for the Board to approve and sign the Resolution. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

STANDARD WORK DAY AND REPORTING RESOLUTION

BE IT RESOLVED, that the Town of Goshen hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title Elected	Name	Standard Work Day	Term Dates	Time Keeping System
Supervisor	Douglas Bloomfield	8 hrs.	1/1/10-12/31/11	N
Town Clerk	Valma Eisma	8 hrs.	1/1/10-12/31/11	Y
Town Board	Kenneth Newbold		1/1/10 12/1/11	N
Highway Superintendent	Stephen Andryshak		1/1/10 – 12/31/11	Y
Town Justice	Kimberly Van Haaster		1/1/07 – 1-31-10	N
Town Justice	Thomas Cione		1/1/08 - 1/1/11	N

2. Resolutions to Authorize the Supervisor to Sign an IMA With the County of Orange Regarding an Automated Vehicle Location System: Supervisor Bloomfield explained that this is a system that would be paid for by the County of Orange. He said the system will be able to know exactly where the police cars are so that if needed they can contact them, and they can respond. When the system is in operation the location of every police car in the county will be known.

Councilman Canterino made a Motion to authorize Supervisor Bloomfield to sign the IMA with the County of Orange Regarding an Automated Vehicle Location System. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

3. Accept the Resignation of Part Time Justice Clerk Patricia Pomposello Effective 01/01/2010: Councilman Newbold made the Motion to accept the resignation of part time Justice Clerk effective 01/01/2010. The Motion was seconded by Councilman Canterino. Motion carried 4 to 0.

4. Resolutions to Authorize Justice Court to Hire Two Part-time Clerks. Christopher Serino at \$13.80 per hour for a total of 16 hours/week and Carmen Lugo at \$13.00 per hour for a 20 hour/week: The Board discussed the hiring of the two clerks as there is a hiring freeze in effect. After a lengthy discussion the Board decided to authorize the hiring of one of the clerks, as there is a pressing need for help in the office. There have been a number of complaints that the phones are not being answered. Since Christopher Serino has had previous court experience, the Board decided he would be approved, and if the Court should feel differently, they would be able to select the other candidate. Councilman Newbold made a Motion to hire Christopher Serino at \$13.80 per hour for a total of 16 hours/week. The Motion was seconded by Councilman Cappella. Motion carried by a vote of 4 to 0.

F. FINANCE: Councilman Canterino made a Motion to authorize the Supervisor to pay Manual Check Run of 12/08/2009 amounting to \$2,345.61 and A/P Check Run for December 17, 21, 28 and 29, 2009 amounting to \$659,103.96. The Motion was seconded by Councilman Newbold, Motion carried 4 to 0.

G. PRIVILEGE OF THE FLOOR:

Jerry Boss asked if the Board would be paying 3% toward retirement and the Town pays nothing? Supervisor Bloomfield replied yes. He also said it is mystifying to him that the developers are still trying to build, when there are so many foreclosures that people can buy for nothing. He said it does not make sense.

Mr. Boss said he would like to again explain that the Black Meadow joins Otterkill at the old Burt Geller Farm and then goes to Tomahawk Lake, and then empties into the Moodna. He said the Board should be watching the controversy that is going on in Chester related to the sewers.

Mr. Boss also questioned the fact that the Village Court has only one Justice and one clerk. He said he would like to see the ratio between the amount of work done by one Justice and the amount of work done with two Justices.

Joel Markowitz suggested the Board might want to look at Chester's court as it is very efficient, with only one clerk, and the processing was very fast.

Mr. Markowitz asked if the Board had looked into cash bonds? There was a brief discussion of bonds vs cash, and letters of credit. No decision made.

Councilman Newbold made a Motion to adjourn the meeting, with intention not to return, and go into Executive Session to discuss the sewer negotiation status with the Village. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

Time: 9:05 p.m.

Valma Eisma, Town Clerk

