

TOWN OF GOSHEN  
TOWN COUNCIL WORK SESSION  
January 22, 2008

MINUTES

A work session of the Town Council of the Town of Goshen was held on the 22nd day of January, 2008 at 7:30pm at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present: Douglas Bloomfield Supervisor  
Philip Canterino Councilmember  
Louis Cappella Councilmember  
George Lyons Councilmember  
Kenneth Newbold Councilmember

Also Present: Dennis Caplicki Town Attorney  
Susan Maysels Deputy Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:30pm.

**1. RESOLUTION: Authorize Supervisor to Sign Third Party Agreement with County of Orange for Federal Section 5311 Operating Assistance for Public Transportation.**

Supervisor Bloomfield explained that this is Federal reimbursement through the County for Federal funds to operate Dial-a-bus.

INTRODUCED BY: Councilmember Canterino  
SECONDED BY: Councilmember Lyons  
DATED: January 22, 2008

At a meeting of the Town Council of the Town of Goshen, County of Orange, State of New York, held at Town Hall in said Town on the 22<sup>nd</sup> day of January, 2008;

WHEREAS, Section 5311, Title 49, United States Code, provides for the payment of Federal financial assistance for public transportation in rural and small urban areas through a formula grant program administered by the states; and

WHEREAS, the Town of Goshen is a grantee under said Program pursuant to an approved project application and a written agreement with the Department of Transportation of the State of New York; and

WHEREAS, in order to memorialize same, it is necessary that the Town of Goshen enter into a third party agreement for Federal Section 5311 Operating Assistance;

NOW, THEREFORE BE IT RESOLVED, that the Supervisor of the Town of Goshen is authorized to sign and process the annexed third party agreement for Federal Section 5311 Operating Assistance; Project No. 8794.51.403; Contract No. C003673.

Upon ROLL CALL VOTE:

Supervisor Douglas Bloomfield	Aye
Councilmember Philip Canterino	Aye
Councilmember Louis Cappella	Aye
Councilmember George Lyons	Aye
Councilmember Kenneth Newbold	Aye

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

**2. Proposed Changes to Stonehedge Easement Description**

Attorney Caplicki explained that Bob Fink was expected at the meeting tonight to present this item. Since he is not in attendance, the item will be put on a future agenda according to Supervisor Bloomfield.

**3. Fealy / Principi (Arden Consulting) Request to Establish HOA Sanitary Sewer District.**

Supervisor Bloomfield reported that the Town Engineer, Dennis Lindsay is working on this and expected to have some information for tonight's meeting. Supervisor Bloomfield will schedule the item for a future agenda because Mr. Lindsay is still researching new technology.

**4. REMINDER: January 24, 2008 Public Hearing on Proposed Moratorium.**

Supervisor Bloomfield asked Attorney Caplicki to explain the process. Attorney Caplicki explained that Council will hear public comments, and then Council has the option to act on the passage of Local Law #1 of 2008 after the public hearing if they choose. He said Council can expect requests for exemptions and waivers. Attorney Caplicki stated that Council may have to issue a clarification for Developers because they seem to be confused, or to be focused upon the definition of "final approval". "Final approval" as intended in the text of the Local Law, means that all conditions have been met. Councilmembers Newbold, Canterino and Lyons confirmed that this was their understanding; the moratorium applies even to those projects that have "final approval with conditions" from the Planning Board. The conditions are often substantial. Councilmember Lyons and Supervisor Bloomfield added that they too intended the moratorium to apply to all projects unless all conditions have been met and recorded.

Supervisor Bloomfield wondered why Developers were permitted, or were willing to break ground and proceed when they only had a "conditional approval" in hand. Councilmember Canterino stated that he has a real problem with the issuance of "conditional approvals", and has for 20 years, because conditions can range from tasks easily met to complex, time-consuming tasks. Over the years there have been numerous incidents where developers never finish or meet conditions, yet still get a sign-off of their project according to Councilmembers Newbold and Canterino. Councilmembers concluded with the request that Attorney Caplicki convey again to professional consultants and Planning Boardmembers that Council is philosophically against the issuance of "conditional approvals".

**5. Orzek Road Improvement Status**

Supervisor Bloomfield reported that the change in the scope of work to the original grant was brought to NYS DOT by Al Fusco. Mr. Fusco said that the DOT's response to the change was positive however, the Town is cautioned to hold off on any further expenditures until an official approval is received. The DOT representative informed Mr. Fusco that the grant funds can be used to reimburse the Town for the cost of the survey done on properties bordering Orzek Road in preparation for the original project.

**6. Status of Deer Crossing Signs on 6½ Station Road**

Councilmember Cappella reported that the signs have been installed, one at each end of the road.

**7. Town Hall Fire Alarm Equipment Failure & Replacement**

Supervisor Bloomfield reported that the Town Hall fire alarm sounded three times in the last week – all false alarms. Each time the fire department, police department and the Supervisor had to respond. The alarm company, F & E was called in for repairs. F & E reports that a new panel and new heads are needed. The first floor has been disengaged now because the panel is faulty for this section, only the second floor is activated. Currently, the Supervisor is awaiting the cost estimate for labor and materials. Councilmember Newbold offered to also provide a price for materials. He felt that this should be expedited since one floor of Town Hall is left vulnerable.

**8. Workers' Compensation (WC) Incident & Injury Prevention**

Supervisor Bloomfield noted that the new WC insurance provider, Comp Alliance provided a safety manual to the Town, which the Supervisor will hand over to Councilmember Lyons, Commissioner of Insurance. The Town has 50± employees, pays \$215,000/year for WC insurance and has few claims. There can be a significant reduction in premiums and incidents when the safety manual is studied and applied. Councilmember Lyons reported that he met with two representatives of Comp Alliance, and will attend the seminar they will be holding in Warwick for the 12-15 municipalities in Orange County that have pulled out of the County pool and moved to Comp Alliance.

**9. Weight Limits on Cheechunk Road & Echo Lake Road**

Supervisor Bloomfield reported that the Town of Walkkill came before the Planning Board on Thursday night seeking approval to create a 2-lot subdivision on the property they own behind the NYS Mid-Hudson Psych Center on 17M. One lot would be 5 acres on which they have two high-capacity wells, and the other lot would be all the remaining property. Mr. R.J. Smith, representing the Town of Walkkill, explained at the Planning Board meeting that Walkkill would be asking the County for an easement over the old rail road bed (future Heritage Trail) so that they could use it as a construction entrance. At that meeting, Supervisor Bloomfield spoke as a resident saying that accessing their site via Echo Road, a very fragile road with a weight limit, will destroy the road. The Supervisor's concern is not only that Goshen taxpayers would be left with the bill to repair the road, but that this work could go on for 2-3 years hauling rock, shale and fill out of the site. Goshen's ability to deny their use of the road may be limited because the 5 ton weight limit does not apply to "local deliveries" which the developer/contractor would certainly claim was the case for them. The Supervisor wants Walkkill to access their site via Route 17M, not the Town's small local road. He will be following up on this problem with the Planning Board Chair and Staff.

Councilmember Lyons noted that the developer would need a mining permit if they were to haul tons of excavated rock and shale out. Attorney Caplicki agreed, but if the developer/contractor states he is not mining but excavating for construction, a permit would not be required.

Councilmembers requested that they received copies of all Planning Board agendas from now on, so they are aware of projects at the onset and are not surprised when problems arise at the end of a process.

**10. Increase in the Town Engineer's, Riddick Associates PC, hourly fee for 2008 from \$160 per hour to \$165 per hour.**

Supervisor Bloomfield informed Council that Riddick Associates PC, the Town's Engineering firm has increased the fee for professional engineer services from \$160 per hour to \$165 per hour. The hourly rate for draftsman and

CAD operators will remain at \$75 per hour. Supervisor Bloomfield stated that the service from Riddick has been outstanding so far.

**11. Review of 11 Resolutions Proposed by the NYS Association of Towns Calling Upon the State or Federal Government to Act on Various Matters.**

Supervisor Bloomfield said that every Resolution is to the benefit of the Town of Goshen. Councilmembers agreed.

Councilmember Newbold made a motion authorizing and instructing the Supervisor to send a letter to the NYS Association of Towns, Resolution Committee, informing them that the Town Council supports the eleven 2008 proposed Resolutions. Councilmember Cappella seconded the motion.

VOTE:            5 Ayes            Bloomfield, Canterino, Cappella, Lyons, Newbold  
                     0 Nays

**ADDED:            Miscellaneous Councilmember Items**

Councilmember Newbold informed Council that Liberty Motors was storing cars outside their gate again. Attorney Caplicki said he would discuss this problem with Building Inspector Halloran.

Councilmember Cappella stated that a new vehicle for Dial-a-Bus is desperately needed now. Supervisor Bloomfield said the one on order by the County from Ford Company is delayed for a year due to the need for redesign. The van from the County has to go through the Legislature to get approval to transfer the vehicle to Dial-a-Bus. The Supervisor will follow up on this with County staff.

Supervisor Bloomfield explained that the metered sewer usage numbers from the two districts have been given to the Village. Rough numbers indicate that the rates estimated are in the ballpark for the two sewer districts. The Budget Officer has been asked to prepare an analysis of the data which will be brought to a February meeting.

Councilmember Cappella asked for an update on the fee charged to the local fire departments for fueling at the Town Highway Garage. Supervisor Bloomfield said that all three fire companies refused to contribute the \$10,000 requested by the Town to cover their share of the fuel tank improvements and the State fines paid. Supervisor Bloomfield has asked Councilmember Canterino and the Budget Officer to analyze the cost to the Town to supply fuel to the different departments and agencies. All costs associated with the enterprise, including soft costs such as electricity, maintenance & repairs and administration, must be charged back to users.

**12. Executive Session to Discuss Litigation and Negotiations Regarding the Following:**

- a. Sullivan Litigation
- b. Goshen Library Negotiations
- c. 211 Requirements: Assessor & Police Chief
- d. IWS Negotiations
- e. Lands of Caggiano Negotiations

Councilmember Cappella made a motion to enter into Executive Session, without intent to return to public meeting, to discuss items a. through e. above. Councilmember Newbold seconded the motion.

VOTE:            5 Ayes            Bloomfield, Canterino, Cappella, Lyons, Newbold  
                     0 Nays

Council Work Session  
January 22, 2008

Council entered Executive Session at 8:40 pm.  
No action was taken in Executive Session.

Respectfully submitted by:

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Susan Maysels, Deputy Town Clerk