

TOWN OF GOSHEN
TOWN BOARD MEETING
June 25, 2009
MINUTES

A Regular Meeting of the Town Board of the Town of Goshen was held on the 25th day of June, 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
	Philip Canterino	Councilman
	George Lyons	Councilman
	Kenneth Newbold	Councilman
	Louis Cappella	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 stated he would amend the agenda to make the first item a continuation of the Public Hearing on the Heritage Estates Development of a Water/Sewer District. Attorney Caplicki explained to the Board that it would not be a continuation of the Public Hearing on the Heritage Estates Development, it is kept open, and anyone here tonight would be allowed to speak and make a submission.

C. PRIVILEGE OF THE FLOOR: (Agenda items only) No response

D. REPORTS:

COUNCILMAN CANTERINO reported he put out a request for mileage reports on the Police cars and has been seeking grant money. He said they have prepared a grant, which used to be the Bryne Grant, and are asking for three vehicles. He said whether it will be forthcoming he does not know. He reported he had asked Senator Larkin for two cars, but had not heard from him recently. He said he felt this grant was very viable, and he will continue to follow up on it, and report back to the Board.

COUNCILMAN LYONS reported on Joint Recreation that Bonnie Mayefsky has resigned from the position of Parks & Recreation Coordinator, but is continuing on until a director can be put in place. He said they are in the process of interviewing a number of applicants.

He reported the chief grounds keeper also resigned from his position, and there are not as many applicants available to fill this position. In the interim Kevin Armistead, a chairperson on the Joint Recreation Commission is managing the people there on a volunteer basis. He reported all the programs are in place and ready to go for the summer session.

COUNCILMAN NEWBOLD reported there was not much happening in Water/Sewer, they are just keeping the operation running smoothly. He said he went to the Kyle Roddey's open house concerning water/sewer for the Village. He said only one person came, but Kyle is making a valiant attempt to hear the complaints of the people in regard to the Village's water/sewer department.

Councilman Newbold also reported he and the Supervisor attended a press conference with Representative John Hall. He said they are thinking of naming the Chester Post Office after Lieutenant Richard Allen, the young teacher who was killed in Iraq. He also reminded everyone that the ticks are very heavy this year, probably because of the large amount of rain.

COUNCILMAN CAPPELLA reported that Highway's cleanup went smoothly, and the total fee was \$14,077.00 which puts the department approximately \$8,000 under budget. He said they just received a report from New York State saying that the amount of this year's chip money will be \$113,525. He said this was unexpected due to the status of the economy. This will be used along with the \$200,000 from the Road Program to pave several roads. Councilman Cappella reported last year with the high cost of gas, which is going up again, the black top was costing \$80.00 a ton, however now we can get it for \$56.00 a ton, which means we will be able to do more roads.

He said Dial-a-Bus is doing well, and the Senior Center is doing fine also with its rentals and its programs.

Supervisor Bloomfield reported he and Councilman Newbold attended Roy Reese's going away party, he is retiring his position of Superintendent of the Goshen Central School District. He said it was nice to see so many friends there wishing Roy good luck in his retirement.

The Supervisor said he had a cost control program update from Highway, Dial-A-Bus, and the Water/Sewer Department in their continued efforts to control costs. He said it was nice to know the various ways all the departments are trying to control costs.

The Supervisor reported he and Councilman Canterino are continuing to negotiate the Police Contract which is a slow, time consuming job, but it is coming along nicely. He said he and Councilman Canterino also work together to negotiate the CSEA Contract.

Supervisor Bloomfield said back about a month ago, the Board authorized the Supervisor to go out and seek stimulus money to repair Jessup Switch Road, to reinforce the base and pave the road. He says it appears we might be able to receive the stimulus money, but in addition to that the Board authorized the Supervisor to apply for a Community Block Grant program as a back up plan, and we did put in for \$286,800 to redo that road.

E. OLD BUSINESS:

1. CONTINUATION OF HERITAGE ESTATES DEVELOPMENT OF A WATER/SEWER DISTRICT

Councilman Cappella made a Motion to reopen and continue the Public Hearing on Heritage Estates Development of a Water/Sewer District. The Motion was seconded by Councilman Canterino. Motion carried unanimously.

Supervisor Bloomfield invited the public to speak, asking them to state their name and address.

Cheryl Maturana, 96 Old Chester Road: Ms. Maturana asked the Board if she could read an email she received from her neighbors Emily and Peter Rivera who are out of Town, and emailed a letter to Ms. Maturana, asking her to present it. Supervisor Bloomfield replied that it would be fine, however he stated that this Public Hearing would be left open in the event they would like to come and speak at another time. The Rivera email follows:

Thanks for the update, please feel free to submit a copy of my letter we initially wrote to the Town noting our concerns about the projected development across the way, which has a strong potential of affecting our water supply, and septic systems, given it's close proximity to our property. If there is anything else we need to do to ensure our rights are being protected, and our concerns are duly noted, and considered in this process, please let us know. We would otherwise be in attendance, however, we are out of town. We are also open to engaging an attorney, along with other home owners at risk in this process, to ensure we are amply represented, are being presented with full access, and full disclosure of all material facts, as well as ensure sufficient remediation, and funding is being made by the developers for misrepresented assertions that would affect us and other home owners in the future.

Emily and Peter Revera.

Ms. Maturana, speaking for herself, said she has been a resident of Goshen for twenty plus years. She said in regard to Heritage Estates " I am asking that you understand lack of water is an issue and has been in Goshen for many years." She said now that we are proposing development, along with a sewer processing plant, I cannot understand how a sewer processing plant would never need fresh water to help things flow. She said along with her well having been affected by the testing which was done in 2005 and again in 2006, she said the developer, Mr. Walker, had hired a company and their reports indicated that I had an impact that was a continuous downward trend, and needless to say not as serious as that of Gerry Corey, where she had nothing. "My concern is that I open that faucet, and I have no water". Ms. Maturana stated "My home is my nest egg, and if we do lose water, my concern is will it be my financial burden or will the developer recognize that he is drawing into the vein that feeds our well?"

Ms. Maturana stated her other concern was with the sewer process plant. She asked "is there a possibility that this is going to affect real estate values? "Are we going to have a smell, what is it going to do to the environment, volume of traffic because of those homes there?" She also said how about children, two per family, she asked can our schools accommodate this, and what about tax increases due to this, and one little thing I noticed, at the end of our meeting, after it had adjourned, Geri Corey approached Mr. Walker made it very clear that she is fortunate she has good water, most of us know we have sulfur water in our wells, Geri Corey does not". Ms. Maturana said Ms. Corey also told Mr. Walker she had no intention of paying for water if her well runs dry. Mr. Walker stated "you will never pay", but after investigating further she found that after one year, she will have a meter on her well. She said "with that piece of misrepresentation, I wonder how many other promises we will hear from a developer that may also be misleading? I have to plead with the Board that you act as our advocate. "Goshen has it's charm, we understand the growth, but I only ask that you keep it within reason."

Ms. Maturana presented the Board with the written information she referred to so that they could be placed with the rest of the comments from the Public Hearing.

Clara Leonard, 19 Brookside Drive: Ms. Leonard said she just left the water treatment man at her house at 7:00 p.m., with the news that I cannot have a chlorination system because I have sulfur water that has gotten worse as the draw down continues. She said "in 1995 she had 4.8 gallons per minute and I now have 2.1., therefore, I cannot get a chlorination system or a de-sulfur treatment because my drawdown, my well production is too minimal." She said she has been here ten years and she cannot treat her water, and as she is wondering, as the top, most elevated house, with the deepest well 517 ft. on Brookside Drive, not a half mile away from the proposed site, I am begging you to consider that the residents, including herself, will not have the quality of water they once had. Ms. Leonard said it is unacceptable that with increased taxes she has no recourse near, "I am still coming to these meetings five years later trying to find what recourse I have." "My well is low draw, cannot be de-sulfured, and I am now having trouble purifying a putrid well, and I would like to bring that to your attention."

Councilman Cappella asked if she was the lady who at another meeting said she could not do two consecutive loads of laundry. Ms. Leonard said yes, she was that person, and her neighbor has the same

problem. Councilman Cappella asked if she ever went before the Planning Board with this issue. Ms. Leonard replied constantly. She said the street paid \$1,000.00 per family to pay a hydrologist to check their wells, my well could not be checked. She explained her well has a small bore opening and it could not be checked. However, he checked other wells and there are twelve houses on Brookside Drive, over 40% of those homes have spent over \$10,000, each family, hydro-fracting, and there is no increase per gallon, and that is frightening.

Ms. Leonard said she is familiar with how a sewer plant works, and it need voluminous amounts of water to operate.

Manual Perry, 16 Meadowbrook Drive, stated this is a complex topic with Heritage Estates and he would hope that this Board would reinforce the issue, and make sure the DEIS gets published on the Web site so that they could spend more time reviewing it instead of spending that time with the Planning Board itself. He said addressing the water, " probably about 40% of us have had to re-drill our wells", within the last month another neighbor, who never had trouble with their well system, had to re-drill theirs. He said this is an ongoing problem that seems to be getting worse.

He said as far as the septic is concerned, we were concerned originally with the project planning on using the Black Meadow Creek and the Otterkill stream as a way to process the septic as these run some times practically dry and times they get to almost a flood stage. "I can't imagine that there is a system out there that is good in both circumstances." "They promise that this will not smell."

Mr. Perry said he also understands there are other developers looking to hook up to this system also. With all our concerns, he said, adding more people to this system will also add more traffic on Craigville Road and will affect our property values. He asked that the Board consider all of these things.

Jerry Boss, Craigville Road, asked who the developer was for Brookside Drive and if he was the same one who developed Scotchtown Park. The Board did not know if the developer was the same one. Mr. Boss said the developer left us with a water system the Town had to take over, and somehow the Planning Board back in that time did not do their due diligence. Mr. Boss stated that "we really have to look at these developers, and what they say, and the dance they are dancing." He said because in the end, who ends up holding the bag? Taxpayers, the people who buy these homes and the Town itself.

Mr. Boss said in regard to the sewer system, he has been standing here for years battling against these sewer systems that expect to utilize the Otterkill and the Black Meadow. When I asked a question of Mr. Esposito at the last meeting, what about the endangered species, he told me that they had addressed this. Mr. Boss said I do not want to hear that. He said he has asked for a four season environmental investigation in to the wild life, reptiles, turtles etc.

Arthur Bruno, Old Chester Road, stated he has been there for twenty eight years, and said he had a pretty good feel for when the water table is low. He said if eighty more homes are going in Heritage Estates, there will be nothing but problems for those people who move into them and those of us who live in that area. "I just want it to be known that this not a good idea."

Geri Corey said she did do a lot of research and obtained the DEIS from the Building and Zoning Office. She said that upon reviewing it most of the comments have to do with water. She said water is a big problem in our area and as Art said it can only get worse, and there will be a whole lot of other people, like the people from Brookside, standing here complaining about water. "There is just not enough water and I feel it has been said in here, in the DEIS, but it is being snowed over." She said the FEIS said that her well was drawn down thirty five feet. She quoted another part of the study "testing the normal operation of any existing off site wells were not adversely affected by the Heritage Test wells pumped". "How can they say this". She said "they are taking water from me on one side and building a septic treatment plant on the other side, what is going to happen to the value of my home?" Ms. Corey said

every time a test is taken, her well does not recover. "There are so many inconsistencies and it really needs a closer look."

Scott Knapp, 56 Old Chester Road, said he built his house in 1964, he was there a few years when his well went dry. He said he had to dig down another 200 feet so his well is now over 400 ft. deep. He said he has not had any problem since, except for occasional sulfur. He said as he grew up in Goshen the area down from his home used to have standing water on it at all times, sometimes looking like a lake. Now that water is gone and you can see the growth underneath. He said the farms that had tillable soil where the water was soaked up and returned to the aquifer are vanishing, and we have more pavement and homes. He said nothing is soaking in any more, water is and always will be a problem here. He said there is so much clay in our soil that the water has trouble soaking in and returning to the aquifer. Mr. Knapp stated the old septic systems that were put in down Old Chester Road are not working well, and you can smell it when taking a walk. This is going to continue to be a problem and it will only get worse, so anything you can do to stop it or to be sure it will not have any additional impact will be appreciated.

Supervisor Bloomfield asked for further comments and there was no response. Councilman Newbold made a Motion to continue the Public Hearing on Heritage Estates Development of a Water/Sewer District. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

Supervisor Bloomfield thanked the public for attending this evening and expressing their concerns, and assured them the Board would take all their comments into consideration.

2. REVIEW DRAFT OF PROPOSED LOCAL LAW #4 OF 2009, REGARDING "EXTENSION OF APPROVALS" FOR LAND DEVELOPMENT APPLICATIONS:

Supervisor Bloomfield explained that at the Work Session on Monday night the Board had a discussion on the proposed Local Law #4, of 2009 regarding the extension of approvals for land development applications, and the Board set up a Public Hearing date for it. He explained the Board had some comments on the proposed draft, and Attorney Caplicki drew up another draft. He asked Attorney Caplicki to explain the changes.

Attorney Caplicki said one of the changes were made on page 1-B, Section Five, lines seventeen and eighteen and twenty four. He said additional language was added, which basically reflects that the Town Board would have the right to extend those by resolution.

Change is as follows:

If such Preliminary Approval or Conditional Preliminary or Conditional Preliminary Approval projects do not achieve Conditional Final Approval within the said six (6) months or such other time as the (line 18) Town Board may approve by resolution, then the project shall no longer be exempt from Local Law Nos. 1 and 2 of 2009, or Sections "3" and "4" of this Local Law No. 4 of 2009, and will then be subject to all zoning and other laws and regulations as set fourth in such Local Laws. Further, and notwithstanding any other consequence, condition, or phasing, any and all project exemptions from the provisions of Local Law Nos. 1 and 2 of 2009, and Sections "3" and "4" of this Local Law No. 4 of 2009, shall expire eighteen (18) months from the effective date of this Local Law No. 4 of 2009 unless a final approval (without conditions) for a project is filed within that time in accordance with State and local laws.

Attorney Caplicki said this was the change and it was corrected due to Councilman Canterino's concerns with the time elements not mentioned in the original draft. He suggested a Public Hearing date should be set for July, 2009, listing it as a type two action, no significant impact upon the environment. Councilman Cappella made a Motion that the text now before the Town Board Members for proposed

Local Law #4 of 2009 be set for Public Hearing to be held at 7:30 p.m. or as soon thereafter as the matter can be heard on July 23, 2009. The Motion was seconded by Councilman Canterino. Motion carried unanimously.

Councilman Canterino made a Motion that it be noted that this action is a type two action under State SEQRA regulations and will have no significant impact on the environment. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

2. APPROVAL OF MINUTES:

Councilman Canterino made a Motion to accept the minutes of Work Sessions of May 11, May 26; Regular Meetings of May 14 and May 28, 2009 with minor corrections. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

Councilman Canterino made a Motion to accept the minutes of Regular Meeting held on June 8, 2009. The Motion was seconded by Councilman Newbold. Motion carried 4 to 0, with Councilman Lyons abstaining as he was not present for this meeting.

F. NEW BUSINESS:

1. AUTHORIZE THE SUPERVISOR TO PURCHASE EQUIPMENT NECESSARY TO PROVIDE COMPUTER DATA BACK-UP AT A COST NOT TO EXCEED \$350.00, AND CONTRACT WITH FRED LEWIS COMPUTERS, INC. TO BE THE REPOSITORY OF SUCH DATA.

Supervisor Bloomfield explained that at the Work Session on Monday, Fred Lewis, of Fred Lewis Computers, came to discuss a computer data back-up system with the Board. He said the various locations for the back-up were discussed with some of the employees here at Town Hall, and the consensus was that the back-up should be at Mr. Lewis's place of business rather than backing up to the Police Department and the Town Hall, and that we should go forward with this. Councilman Canterino made a Motion to authorize the Supervisor to purchase equipment necessary to provide computer data back-up at a cost of not to exceed \$350.00, and contract with Fred Lewis Computers, Inc. to be the repository of such data. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

G. FINANCE: Councilman Newbold made a Motion to authorize the Supervisor to pay Accounts Payable Check Run for 6/25/2009, amounting to \$97,001.41. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

H. PRIVILEGE OF THE FLOOR:

Jerry Boss: "About three weeks ago you communicated with the New York State Audit Control requesting an audit of the Town Books as well as the Village's, have you received an answer?"

Supervisor Bloomfield replied "a tentative answer". He said at this time he does not have all the information on it, such as a date, etc., but should have more information by the next meeting.

Mr. Boss asked about the Bryne Grant that was mentioned and he understood that anything that was done with this grant money had to be drug or narcotic related, and you are looking for three cars, does that mean that these cars can only be used for one thing? He asked if that meant they could be used only for narcotics and drug enforcement and routine patrol? Councilman Canterino stated the primary use of the cars would be to curtail narcotic activity throughout the Town of Goshen. Mr. Boss asked if this could create a problem if an officer was on patrol and was called to a non drug related problem. He said will this come back on the department saying it misused the Grant? Supervisor Bloomfield replied that we are such a small Police Department and we don't have a Drug Officer, etc. He said when the question came up in Albany once before, it was determined that it was permissible.

Mr. Boss asked about the progress of the new law that would require Carters and Haulers doing business in the Town of Goshen to obtain a license. Attorney Caplicki said in regard to these amendments, a list was compiled of names that may be potential operators in the carting business that would be doing business in the Town of Goshen. He explained that an informational package has been sent to these businesses so that they can determine if they will have to obtain an operating license from the Town Clerk's office, and pay the necessary fees.

Supervisor Bloomfield asked if there was a time line given, and Attorney Caplicki replied yes, thirty days from the date the letter is received. Attorney Caplicki stated by the end of July there should be substantial feed back.

Joel Markowitz stated in light of recent events with Joint Recreation, I have two suggestions or requests, and will not go into specifics for obvious reasons. He said he was told that Joint Recreation has permission to use the Village Attorney for legal advice, and he felt this was not a good thing. He said he felt that Joint Rec. should have it's own counsel. Mr. Markowitz said he felt if was a conflict of interest for them to use either the Village's Attorney or the Town's since they are semi-autonomous. He said he would be interested in what Attorney Caplicki's position would be on this.

He also questioned the fact that the Joint Recreation is funded with \$85,000 from both Boards, this is a \$170,000 budget, with appointed, not elected people running it, and as far as he is aware there is no accounting. Mr. Markowitz said he felt there should be a CPA doing their books that should be submitted on an annual basis.

Supervisor Bloomfield replied that each year the Joint Recreation Commission comes to the Town Board with their budget, and explains what they would like to spend the money on to operate their programs and maintain the parks, etc. He said each one of those expenditures is signed off by three of the Town Board Members, and just this last week, there was an expenditure that the Board refused to sign. Supervisor Bloomfield explained that at this time the Town administers to Joint Recreation through Civil Service to apply the laws, we have to follow the Civil Service laws as per who we hire. Supervisor Bloomfield explained that his secretary over sees everything and everyone to be sure that Joint Recreation follows the rules of the County properly.

Supervisor Bloomfield said the Budget Officer supervises the purchases made by Joint Recreation and again these are signed and approved by at least three members of the Board. The Supervisor explained that the Town is supposed to administer to Joint Recreation for two years, and then the Village is supposed to administer for two years. However, he reported the Town is at this time in the fifth year of this administration. The Supervisor stated he has written to the Mayor approximately a month ago to inform him that as of January 1st of 2010 it is the Village's turn to take over the administration of the Joint Recreation program.

Again Mr. Markowitz stated that Joint Rec. should have it's own attorney. Attorney Caplicki stated that he has been advising the Board for years, that the Joint Recreation Commission is a commission created jointly and is empowered and authorized by the Town and Village. He said they are delegated certain responsibilities and powers to conduct recreational activities. However, he stated any major decision, insurance, employment status, etc. is a joint responsibility of the Town and Village, and decisions cannot, should not be made by an individual or one municipality basis. Attorney Caplicki went on to say the Charter reflects that the Town and Village have to act jointly.

Councilman Canterino addressed Mr. Markowitz and stated that this Board is a hands on Board, and explained that the Joint Recreation Commission is a five member Board and consists of one Village Board member and one Town Board member. Therefore, this Town Board is well aware of all of Joint Recreation's activities, and their finances.

Supervisor Bloomfield explained that the same administration practices apply to the Senior Center. He said that Councilman Lyons is liaison to the Joint Recreation and Councilman Cappella is liaison to the Senior Center. Councilman Cappella stated that he takes part in creating the Senior Center Commission budget that comes to this Board for approval.

Councilman Newbold said the vouchers are all reviewed by the Board members, and if they have questions the payments are not made until the questions are answered. "This Board is on top of everything that goes on in Joint Recreation".

I. ADJOURNMENT:

With no further comments from the public, Councilman Canterino made a Motion to adjourn the meeting and go into Executive Session with intent not to return, to discuss:

1. LITIGATION – CODE COMPREHENSIVE PLAN
2. STATUS OF 4 LARCHWOOD CODE ENFORCEMENT
3. STATUS OF IWS EXPANSION APPLICATION

The Motion was seconded by Councilman Cappella. Motion carried unanimously.

Time: 8:45 p.m.

Valma Eisma, Town Clerk

