

TOWN OF GOSHEN
TOWN COUNCIL MEETING
July 24, 2008

MINUTES

A regular meeting of the Town Council of the Town of Goshen was held on the 24th day of July, 2008 at 7:30 p.m. at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present: Douglas Bloomfield Supervisor Kenneth Newbold Councilman
 Louis Cappella Councilman George Lyons Councilman

Absent: Philip Canterino, Councilman

Also Present: Dennis Caplicki Town Attorney
 Valma Eisma Town Clerk

A. CALL TO ORDER

The meeting was called to order by Supervisor Bloomfield at 7:30 p.m. and Councilman Cappella led the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA: none

C. PRIVILEGE OF THE FLOOR: Agenda items only:

D. PUBLIC HEARINGS:

1. PEDDLING AND SOLICITING AMENDMENT

Attorney Caplicki explained that Local Law #4 Peddling and Soliciting provides for fee changes: raising the fee for filing an application from \$200.00 to \$500.00 to cover the cost of investigation. Licenses may be issued for one year and the fee will be \$1,000.00 payable upon issuance or may be issued by the day for a fee of \$200.00 per day. The license shall only be valid between the hours of 9:00 a.m. to 5:00 p.m. Anyone violating any of the provisions shall be guilty of a violation punishable by a fine of \$500 for the first offense and \$1,000 for each subsequent offense, in any twelve-month calendar.

Councilman Cappella made a Motion to open the Public Hearing at 7:35 p.m. and Councilman Lyons seconded the Motion. Motion carried. Supervisor Bloomfield called for public comments. Supervisor Bloomfield explained this change was brought about by complaints from citizens of people soliciting and who were not registering or obtaining a license from the Town Clerk. With no comments from the public, Councilman Newbold made a Motion to close the Public Hearing at 7:40 p.m. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Councilman Lyons made a Motion to adopt Local Law #4-2008 as presented. Councilman Cappella seconded the Motion:

Roll Call Vote:

Supervisor Douglas Bloomfield	AYE	Councilman George Lyons	AYE
Councilman Kenneth Newbold	AYE	Councilman Cappella	AYE

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

2. NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE: Attorney Caplicki explained this is a local law that provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code). This law calls for more mandated inspections and reporting and adopting the code would allow our Building Inspector to enforce the State Codes and bring us into compliance. Councilman Newbold made a Motion to open the Public Hearing on Local Law #3-2008. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

Supervisor Bloomfield asked for public comment. Reynell Andrews asked if this code is in existence. Attorney Caplicki said we generally adopt the State code and this is a matter of adopting the new revisions. Mr. Andrews asked what the revisions were? Attorney Caplicki explained it gives the Building Inspector the ability to report more violations and more authority to enforce the violations. He asked if this covers all buildings and homes? Attorney Caplicki replied yes, with perhaps some exemptions for farms. Councilman Lyons read the exceptions to Mr. Andrews. Mr. Andrews asked many questions and the Attorney and the Board answered them. Mr. Andrews asked if this covered residential homes? Attorney Caplicki answered yes. It was explained if a code violation was known, or if repairs are seen being done with out building permit if one is needed, etc.

Mr. Andrews objected to the fact that this could allow "Big Brother to come in and observe and take over your life."

Attorney Caplicki said if there were no application for permits, etc. an enforcer would have to show cause. There was a long discussion on the rights of the enforcer to enter private homes. Attorney Caplicki said they cannot randomly knock on your door. With no further comment from the public, Councilman Newbold made a Motion to close the Public Hearing at 7: 55 p.m. The Motion was seconded by Councilman Lyons. Motion carried.

Councilman Lyons made a Motion to adopt the Local Law #3-2008 as presented. The Motion was seconded by Councilman Cappella. Supervisor Bloomfield called for discussion. Councilman Lyons said he was concerned about the fees involved as fees are discussed, but are not listed, he wondered if they are adequate or should we be looking at them? He said he would vote yes on it and look into the fees later. Supervisor Bloomfield called for a Roll Call Vote.

Supervisor Bloomfield	AYE	Councilman Lyons	AYE
Councilman Newbold	AYE	Councilman Cappella	AYE

Vote: Resolution carried 4 to 0.

E. REPORTS:

COUNCILMAN LYONS reported there was a memo recently in reference to Workers Comp. He said it seemed there were some records in disarray and he was asked to contact Comp Alliance. He said he set up a meeting with Comp Alliance and Scott Liebert for July 24, 2008 at the Town Hall at 10.00 a.m.

Councilman Lyons said Mr. Liebert informed him Joint Recreation's insurance is due to be renewed in October, so he will discuss this with him also while he is here. He also reported David Crawford has agreed to design the kitchen at Craigville Park at a discount. Members of JRC are meeting with Mr. Crawford on the weekend at Craigville Park and will report back to the Board in reference to the design and Mr. Crawford's fee.

Councilman Lyons said the summer programs are doing well, but there does seem to be a drop in some of the enrollments, he felt due to the economy. He

said many of the families are sending their children to camp, but not for all the weeks, they are picking the number of weeks they can afford. The JRC has had a record number of requests for scholarships that have been honored. Unfortunately the second concert in the park had to be canceled due to rain and the next concert is scheduled for August 13th, from 7:00 p.m. to 9:00 p.m. at the park.

Councilman Lyons reported JRC received a Grant for \$15,000 for a pavilion and restrooms for Salesian Park. However, the Board has discussed this and felt the matching fund grant of \$15,000 would not be sufficient to build both or even just the rest rooms. There was some talk of the possibility of the grant to be transferred to Craigville Park. The Joint Recreation Commission is in the process of discussing the grant and will inform the Board of their intentions.

Councilman Lyons said he looked into the other 50% matching grant that was to be matched by the Football league, Little League and Soccer at the Craigville Park. He said the question was, is their providing the 50% legal? Attorney Caplicki said yes.

COUNCILMAN NEWBOLD reported he will meet with Attorney Caplicki in regard to the PDR Slesinski Property. He said the Supervisor would report on the Water/Sewer.

COUNCILMAN CAPPELLA reported Durland Road and Everette Road culverts are finished, all that is left is some paving on Everette and that will be done next week. He said he had reported at length at the last meeting how Highway is doing it's best to cut costs wherever possible. They are not going to do any Capital Improvements this year, even if the money is in the budget. He said with Sales Tax and Mortgage Taxes dropping, the money will just not be coming in. Therefore, they will continue to keep the spending down as much as possible.

SUPERVISOR BLOOMFIELD reported he and Councilman Newbold co-chair the Water/Sewer Department. During the course of the year they have to come up with a rate structure to see if there is enough revenue coming in to cover the operation and any improvements. He said they also have the responsibility for the integrity and the operability of the equipment. He said they try to do everything possible to keep costs down. He reported an I & I study was done in Hambletonian Park, they blew smoke through the pipes and used other methods

to discover where there were breaks and illegal hookups. Repairs were made and there has not been a water main break since.

He said he had received a letter from the Riverkeepers in regard to raw sewage being spilled into the Rio Grande. He called a meeting with Joel Klopchin, Consultant for the Water/Sewer Department, to find out how we are doing with our systems. The Supervisor said the letter from the Riverkeepers asked if the Town, along with the Village, would put a moratorium on all new hookups to the Village sewer. There appears sewage is being seen in the Village, coming from the manholes in the facilities close to the Rio Grande. He went on to tell what the Town has done to curtail this and showed the public a large saucer-like piece of equipment that goes under the manhole to catch the rainwater and keep it from getting into the sewer, 212 of these have been installed. He said they have been trying to fix any areas where there have been any kind of infiltration. He reported the repair of a 10 inch pipe in Arcadia. The Supervisor said the Board has authorized Mr. Klopchin to use a telescope examination of a 2000 ft. pipe to see if there are leaks in it. If there are leaks the pipe will have to be replaced. He also reported that all the sewage is now calibrated so the Board knows exactly how much sewage is being processed by the Village. In December 2006 we were averaging over 119,542 gallons of sewage a day, in December 2007 it was 92,318 gallons per day. That is 27,224 gallons less. The Supervisor said he felt this was due to all the improvements that have been made.

Councilman Newbold complimented the Supervisor for doing a great job of keeping on top of this situation.

OLD BUSINESS:

1. Approval of Minutes: Councilman Cappella made a Motion to approve the Work Sessions of June 23 and July 7, 2008 and Regular Meetings of June 26 and July 10, 2008. The Motion was seconded by Councilman Lyons with minor corrections to June 23rd, June 26th and July 7th. Motion carried 3 to 0 for June 23rd and June 26th meetings as Councilman Newbold abstained, as he was out of Town for those meetings. Meetings of July 7 and July 10 Motion carried 4 to 0.

2. ECHO LAKE ROAD PROJECT – LETTER OF CONSIDERATION: Supervisor Bloomfield explained the Board is working on the beginning of the development of an industrial park with an entrance on Route 17M. At a prior meeting it was decided the Board would not accept the offer of conveying a

1.320 acres of land owned by the State of New York to the Town of Goshen to service lands known as Echo Lake, owned by the Town of Walkill, at this time. He explained that the Board would rather write a letter of consideration stating that the Town of Goshen and the Town Board of the Town of Goshen are interested in the development of the subject project as it will be beneficial to the business and tax base development of the Town.

Attorney Caplicki presented the Board with a letter stating the above information and it was discussed. Councilman Cappella made a Motion to authorize the Supervisor to sign the letter submitted by Attorney Caplicki. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

The Letter is addressed to NY State Office of General Services and reads as follows:

Attention Richard W. Bennett, Real Estate Officer

Re: Lands for Highway Purposes, NYS Highway Route 17M, Mid-Hudson
Psychiatric Center and Goshen Business Park
Town of Goshen, Orange County, New York

Dear Mr. Bennet:

The Town of Goshen has been advised by Richard J. Smith of Real Estate Solutions, who is involved with a project in the Town of Goshen located at Echo Lake Road that the State of New York is working with the developer to create a new access road to the State Mid-Hudson Psychiatric facility which will also serve the developer's property on Echo Lake Road. This will advise you that the Town of Goshen and the Town Board of the Town of Goshen are interested in the development of the subject project as same will be very beneficial to the business and tax base development of the Town. In that connection, provided that the pertinent developer/applicant applies for and receives all necessary state, county and town governmental approvals for a project, the Town of Goshen would consider the proffer and acceptance of an offer of dedication and subsequent deed dedication of state land consisting of approximate plus or minus acres for highway purposes in order to increase the accessibility of the state facility operations on Route 17M and provide vehicular access to the development project.

Thank you for your attention and anticipated cooperation.

Very truly yours,

Douglas Bloomfield, Supervisor
Town of Goshen Town Hall

3. COLD WAR TAX EXEMPTION - SET PUBLIC HEARING: Supervisor Bloomfield read the legal notice:

LEGAL NOTICE

PLEASE TAKE NOTICE that the Town Board of the Town of Goshen will hold a Public Hearing at 7:35 p.m., or as soon thereafter as the matter can be heard, on the 28th day of August, 2008 at Town Hall, 41 Webster Avenue, Goshen, New York on proposed Local Law #5 of 2008 entitled "Amendment to the Code of the Town of Goshen, Chapter 86 entitled 'Taxation'." Said Local Law provides for real property tax exemption(s) for Cold War Veterans as authorized by Real Property Tax Law Section 458-b.

A complete copy of the aforementioned text of Said Local Law is available for inspection and/or copying at the Town Clerk's Office, Town Hall, 41 Webster avenue, Goshen, New York, Monday through Friday during regular business hours.

The Town Board will at the above time and place hear all persons in favor of, or in opposition to the proposed Local Law.

The Local Law shall take effect immediately upon passage, filing and posting as required by law.

Councilman Lyons made a Motion to set the Public Hearing for the proposed Local Law #5 of 2008 for August 28, 2008 at 7:35 p.m. The Motion was seconded by Councilman Newbold. Motion carried 4 to 0.

G. NEW BUSINESS:

1. DETERMINATION OF ADEQUATE DGEIS COMPREHENSIVE PLAN & ZONING PROPOSALS:

Attorney Rick Golden addressed the Board explaining the Draft Generic Environmental Impact Statement has been compiled from various meetings of the Town Board as well as the Planner hired by the Town Board, BFJ Planning. He said the purpose of the document is to gauge the various environmental impacts that may result from the proposed changes of the Comprehensive Plan and Associated Zoning Code Amendments. He said the purpose of the Board accepting it now is that it shows the Board has addressed the various issues and this document is now adequate for Public review and comments. Attorney Golden stated, according to the agenda, the Board will be setting a Public Hearing this evening for that very purpose. The DGEIS and the proposed

Comprehensive Plan & Zoning Proposals will now be available for the public at the Town Clerk's Office, the Town of Goshen Web Site and the Goshen Library.

Attorney Golden said at the Public Hearing all the public's comments would be taken down and written comments will be studied. The Public has ten days from the date of the Public Hearing to present their written comments. After this time the Board along with the Planner will review all comments and then a Final Generic Impact Statement will be prepared answering all of those comments. He said the DGEIS is the first step in the environmental review process concerning the proposed changes to the Comprehensive Plan, Zoning Text and Map Amendments.

Councilman Lyons made a Motion to accept the Draft Generic Environmental Impact Statement for the proposed changes to the Comprehensive Plan, Zoning Text and Map as acceptable and complete as written. The Motion was seconded by Councilman Cappella. In discussion Councilman Lyons asked if the DGEIS would now be given to the County for Comment. Attorney Golden replied yes and the County can issue a report. The County has thirty days to reply. Supervisor Bloomfield called for a Roll Call Vote:

Councilman Lyons	AYE	Supervisor Bloomfield	AYE
Councilman Newbold	AYE	Councilman Cappella	AYE

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

2. SET PUBLIC HEARING FOR AUGUST 13TH AT 7:30 P.M.:

Councilman Cappella made a Motion to set a Public Hearing for the DGEIS for the Comprehensive Plan and Zoning proposals for August 13th at 7:30 p.m. The Motion was seconded by Councilman Newbold. Motion carried 4 to 0.

3. AUTHORIZE SUPERVISOR TO SIGN FRED LEWIS COMPUTER CONTRACT RENEWAL: Supervisor Bloomfield said the employees in the Town and the Police Department are very happy with the service provided by Fred Lewis, and the Board agreed. Councilman Newbold made the Motion to authorize Supervisor Bloomfield to sign the Fred Lewis computer contract renewal. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

4. Authorize Supervisor to Sign Humane Society Contract: Councilman Newbold made a Motion to authorize the Supervisor to sign the 2008 Humane Society Contract. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

5. ASSESSOR'S REQUEST FOR CONTINUING EDUCATION:

Supervisor Bloomfield presented the Board with a request from the Assessor, Jo Ann Soules, to attend Sunyit Utica to take a mandated course on farm appraisal. The course is August 4th thru August 8, 2008, at no cost for the course or meals. The only cost would be travel and tolls, which is reimbursable by the State. Councilman Cappella made a Motion to authorize Jo Ann Soules, Assessor, to attend the Sunyit Utica mandated course from August 4th to August 8, 2008. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

F. FINANCES: Councilman Newbold moved to authorize the Supervisor to pay Manual A/P Runs of 7/15/08 amounting to \$5,236.15, Escrow Run of 07/24/08 amounting to \$12,789.03 and Check Run of 7/14/2008 amounting to \$93,419.03. Councilman Lyons seconded the Motion. Motion carried 4 to 0.

G. PRIVILEGE OF THE FLOOR:

Bill Johnson presented the Board with pictures he had taken of Fort Hill Road showing large pot holes. He said he had called the Highway Department two weeks ago, "and you know you never get any answer, nobody shows up or does anything." He said after Indiana Road, and now this one, he asked "what does the Highway Department have against farmers?" He said he felt it was time to have a Department of Public Works and hire a Superintendent. Mr. Johnson addressed Councilman Cappella asking what can be done.

Councilman Cappella answered stating the Board certainly does not have anything against farmers. He said it is not just this road, there are many and he has spoken of it to the Board any number of times. He said with the current price of \$80.00 a ton for asphalt, it's a juggling act as to who gets preference on road repairs. Mr. Johnson would like to see the ditches cleaned for better drainage and the potholes filled in. Councilman Cappella pointed out that the Highway Department is busy installing large culverts on Everette and Durland Roads in accordance with the new FEMA regulations. He said that maintenance is being done on 80 miles of road, not just one or two roads. He said that he will take a ride tomorrow to look over the condition of Fort Hill Road and see what can be done to it.

Supervisor Bloomfield felt that one of the problems is our infrastructure and the cost of maintaining it. The NYS DOT has been asked to cut their costs. Money coming from the State to the County and the Town is questionable. "The economy at this time is such that we have to conserve our spending and I have concerns for our budget this fall."

Jerry Boss addressed the Board with reference to PDR rules and regulations pertaining to the public. He asked for an explanation as to the public being allowed to use farms purchased under PDR. Discussion and clarification as to the public use of property purchased with public funds followed.

Mr. Boss also brought up the topic of licensing of private carters in the Town. He was concerned about a transfer of licensing between two companies, namely IWS and Waste Management. He asked if there were fees involved. Supervisor Bloomfield explained the current fees, negotiations and licensing fee rate that the Board is in the process of correcting for an increase in revenue. There was a discussion on monitoring the scale traffic, tipping fees, number of carters in the Town and if Goshen was getting it's share of revenue. He said he has been addressing the Boards for years over these matters and has not liked what little those various Boards have done. He said there is revenue here that the Town is not receiving it's share of.

H. EXECUTIVE SESSION: Councilman Cappella made a Motion to go into Executive Session to discuss the Arcadia Hills vandalism, with the intent not to return. The Motion was seconded by Councilman Newbold. Motion carried 4 to 0.

Time: 10:15 p.m.

Valma Eisma, Town Clerk