

**TOWN OF GOSHEN**  
**TOWN BOARD MEETING**

**June 11, 2009**  
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 11th day of June, 2009 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
	Louis Cappella	Councilman
	Kenneth Newbold	Councilman
Absent	Philip Canterino	Councilman
Absent with Leave	George Lyons	Councilman
Also Present:	Dennis Caplicki	Attorney for the Town
	Priscilla Gersbeck	Deputy Town Clerk

**A. CALL TO ORDER**

The meeting was called to order by Supervisor Bloomfield at 7:34pm, followed by the Pledge of Allegiance

**B. AMENDMENT TO THE AGENDA**

Supervisor Bloomfield moved the Capital Storage Tax Certiorari Settlement listed under Old Business before the Public Hearing. The Assessor (JoAnn Soules) is present and has to drive to Ramapo shortly.

**C. PRIVILEGE OF THE FLOOR**

Jerry Boss inquired if the Town has heard anything from the NYS Comptroller's office regarding the Village sewer audit? Response: Nothing yet.

**D. OLD BUSINESS:**

**1. CAPITAL STORAGE TAX CERTIORARI SETTLEMENT**

Attorney Caplicki referenced a Resolution before the Board to resolve the pending litigation between Capital Self Storage and the Town. This settlement is recommended by the Assessor

and Legal Counsel. JoAnn Soules felt this settlement is good for the Town and fair to both parties. She prepared the following calculation table detailing the settlement.

Portela Realty Lic Capital Self Storage

	<u>Assessed</u>	<u>Reduction</u>	<u>Proposed</u>	<u>Town</u>	<u>Fire</u>	<u>County</u>	<u>School</u>
2004	1,950,000	507,900	1,442,100	\$1,667.48	\$851.84	\$2,296.67	\$12,546.50
2005	1,950,000	0	1,950,000	0	0	0	0
2006	2,150,000	0	1,950,000	0	0	0	0
2007	2,150,000	404,000	1,746,000	\$2,268.94	\$790.95	\$2,465.49	\$11,279.36
2008	2,150,000	350,000	1,800,000	\$2,038.26	\$772.80	\$2,074.24	\$10,152.32
Grand Total		Would have been		\$5,974.68	\$2,415.59	\$6,836.40	\$33,978.18
	SETTLEMENT						
4		0		0	0	0	0
5		0		0	0	0	0
6		0		0	0	0	0
7	2,150,000	200,000	1,950,000	\$1,234.64	\$391.56	\$1,341.59	\$5,583.84
8	2,150,000	200,000	1,950,000	\$1,060.20	\$505.20	\$1,078.91	\$5,801.32
9			1,900,000	Frozen for 2009 - 2010 - 2011			
GRAND TOTAL REFUNDS				\$2,294.84	\$896.76	\$2,420.50	\$11,385.16
		Savings		\$3,679.84	\$1,518.83	\$4,415.90	\$22,593.02

**TOWN OF GOSHEN  
RESOLUTION**

**Settlement of Tax Review Proceeding; Capital Self Storage v. Assessors, Town of Goshen;  
Index No. 04748/2004; Section 12 Block 2 Lot 37.1**

INTRODUCED BY: Councilman Louis Cappella  
 SECONDED BY: Councilman Kenneth Newbold  
 DATED: June 11, 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 11<sup>th</sup> day of June, 2009;

WHEREAS, Capital Storage initiated a tax review proceeding has been initiated against the Town of Goshen with respect to certain real property known as Section 12 Block 2 Lot 37.1, and

WHEREAS, subsequent to review, defense, research and analysis, the Town of Goshen proposes to settle said tax review proceedings, and

NOW, THEREFORE BE IT RESOLVED, that the aforementioned tax review proceedings be resolved/settled by establishing assessments for the aforementioned real property parcel for tax years 2004/2005 through 2009/2010 at the following levels:

Tax Year	Original AV	Proposed Reduction	Proposed AV
2004/05	\$1,950,000	0	\$1,950,000
2005/06	\$1,950,000	0	\$1,950,000
2006/07	\$1,950,000	0	\$1,950,000
2007/08	\$2,150,000	\$200,000	\$1,950,000
2008/09	\$2,150,000	\$200,000	\$1,950,000
2009/10			\$1,900,000

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 AYE Councilperson, Philip Canterino ABSENT  
Councilperson, Louis Cappella AYE Councilperson, Kenneth Newbold AYE  
Councilperson, George Lyons Absent with Leave

Vote: Resolution carried by a vote of 3 to 0

#### E. PUBLIC HEARING

Councilman Newbold made a motion to open the public hearing for the development of a water/sewer district for Heritage Estates. Councilman Cappella seconded the motion.

On a Voice Vote, the motion passed: 3 AYES Bloomfield, Cappella, Newbold  
0 NAYS

**James Sweeney**, Esq. representing Heritage Estates requested an on-site water/sewer district for Heritage Estates. The objective is to form a taxing district so that sewer/water system costs would be charged back to the individual users within the bounds of the district. That is essentially what they are asking for tonight. However, they are willing to cooperate with the Town on a larger scale, but for now the request is for this specific site.

**Steve Esposito**, RLA, outlined the lands of Heritage Estates consisting of 256 acres with 81 lots-four already exist. This project has met conditional preliminary approval and an environmental review process. At the end of that process is a Filing Findings report of 68 conditions that have to be met. Condition #42 is to petition to form a water/sewer district. The Heritage Estates DEIS covers ways to evaluate alternatives. The preferred plan was to go with the Village sewer plant. The alternative was to construct an on site sewer treatment plant. If we didn't use the alternatives

for sewer, we had to return to the Planning Board. The past Village administration was not interested in taking us on. Therefore, we prepared the scope for the Supplemental Environmental Impact Statement and will submit a Supplemental Environmental Impact Statement to the Planning Board. The present Village administration indicated that there was some interest, but we're not quite sure what that means. Meanwhile, Mr. Walker and his partner who own the land have spent millions of dollars in purchasing the land, millions of dollars in soft costs and hundreds of thousands of dollars in consultants fees and he wants to move forward.

In the Scoping EIS, environmental issues and studies were examined for an on-site plant. One study was the Waste Assimilation Capacity (WAC) analysis of the Otterkill and the Black Meadow. In the Scope the Planning Board asked us to look into a regional plant which is also addressed in the WAC analysis. They had several meetings with the DEC and submitted a Joint Application Permit to them which included many supplemental permits. Once again, the preferred plan is to hook up to the Village plant. However, we are progressing with the DEC for an on-site plant and are continuing talks with the Town for a regional plant.

We are here tonight to petition the Town to form a water/sewer district for the Heritage Estates subdivision.

**Joseph G. Cleary, P.E.**, BCEE of HydroQual, addressed the Board. HydroQual is composed of environmental consultants who conducted the preliminary evaluation of a regional treatment plant on the Black Meadow. Wastewater from five housing developments which total approximately 733 units would represent a wastewater flow of approximately 300,000 gallons per day (gpd), a significant increase above the 26,000 gpd used to perform the WAC analysis for Black Meadow Creek for the Heritage project. They also evaluated a combined flow of 74,000 gpd for both the Heritage and Reiger projects in the WAC analysis. The regional treatment plant would be designed for the same level of treatment and treatment processes, secondary plus nitrification and some phosphorus removal. He estimates that the assimilative capacity of the Black Meadow Creek is between 325,000 and 375,000 gpd subject to NYSDEC approval and any additional studies required by the NYSDEC. These studies could possibly include a more detailed water quality modeling analysis to evaluate the specific physical characteristics of the creek.

**Mary Rice Israelski**, Woodcrest Ln., Submitted a letter to the Town Board at a previous meeting as she wouldn't be able to attend this meeting. One of her concerns focused on the location of a sewer district using the Black Meadow Creek. She also felt that using the South East Entrance to the Town would be inappropriate. This will affect the established stream overlay corridor and the scenic road corridor. Furthermore, the Planning Board gave preliminary approval using the Village sewer plant. The Town should use leverage with the Village to keep the customers there. If this proposal goes through, she would like to see a location that would have a meaningful capacity for future businesses moving into Goshen, with the best, advanced green technology to protect the citizens and the environment. (Letter on file)

**Jerry Boss**, Craigville Rd., Held up a copy of the Southern Wallkill Biodiversity Plan, MCA Technical Paper Series: No. 8. This is a study of Balancing Development and the Environment in the Hudson River Estuary Watershed under the Metropolitan Conservation Alliance. A program of the Wildlife Conservation Society. The study was done on behalf of the towns of Chester, Goshen and Warwick, and the Village of Warwick. These were selected because they contain an impressive diversity of wildlife and habitats, because they are under development pressures that

threaten those natural resources, and because there is a growing concern within these towns about the costs of sprawl to the environment and to human health and well-being. This study is an extensive investigation of natural ecosystems of the Wallkill River, Black Meadow, Otterkill, and Purgatory Swamp (to name a few). He isn't sure if those involved with Heritage Estates have seen this study.

Therefore, Mr. Boss noted a few paragraphs relevant to this project. One of the sites that will be impacted by the proposed sewer system is Purgatory Swamp. Reading from the study;

["This diverse wetland system provides some of the most important wildlife habitat in the Town of Goshen. Many wildlife species live in this swamp, including State-listed, declining, and rare amphibians, reptiles, and birds. Protection of this swamp using a combination of techniques described in the recommendations section – combined with protection of the uplands adjacent to the swamp – would yield significant conservation benefits."]

Mr. Boss pointed out that he didn't hear the Otterkill Creek mentioned in Mr. Cleary's presentation. He mentions the Black Meadow. The Black Meadow connects to the Otterkill, almost at the designated site of the proposed sewer plant. Joined together they flow into Purgatory Swamp onto Tomohawk Lake and so on towards the Hudson River. Reading from the study;

["This biodiversity hub encompasses Otter Creek, which flows through the Town's reservoir system, feeds into Purgatory Swamp, and is host to significant biodiversity. Portions of this habitat system are at risk from dense residential development."]

There is also an Appendix A listing of "Development-Sensitive and Listed Focal Species" categorized as endangered, threatened, special concern, declining and declining rapidly. This is an extensive list and would take too much time to go over. Mr. Boss highlighted a few species: Blue-spotted salamander of special concern, Marbled salamander, Long-tailed salamander, Northern cricket frog, Southern leopard frog, spotted turtle, wood turtle, bog turtle, Eastern box turtle, worm snake, American black duck, American bittern, American woodcock, Northern harrier, Sharp-shinned hawk, Cooper's hawk etc... He asked if any of these species have been addressed. His residential ownership encompasses the Otterkill and the Purgatory. He wants to know if anyone has done a flooding study of the Otterkill. He has been told that this is a Class C intermittent dry stream. During the rainy season, he has seen the Otterkill become "a roaring river". He wants to know, "if in the heavy rainy season, with the proposed sewer plant and a possible two other sewer plants, what is going to be the amount of water that will be placed in that Otterkill and how would that affect me as possibly putting me into the flood plain?"

Mr. Boss *questioned* Mr. Esposito if all of the DEC requirements have been met. Mr. Esposito stated that there are more than one (coordinated review) regulatory agencies or board involved in reviewing this project. There may be 14 to 18 different agencies reviewing some portion of this project. He notifies the DEC in New Paltz, White Plains, Albany and on their state-wide bulletin which is on the internet. Mr. Esposito *detailed* the steps taken in the environmental review process from SEQRA to the Scoping Outline to the DEIS and ending with the FEIS. He assured Mr. Boss that the Town Planning Board was through in every step of the way making sure that all of the items that needed to be addressed were completed and all of the necessary papers were filed. Mr. Esposito will evaluate the new flood data, for the Supplemental Environmental Impact Statement that was recently released by FEMA, He'll evaluate the water shed flows to see if there will be an impact on flood elevation. They also have to do that for drainage purposes. He also addressed creating an on site independent wetland as not to directly discharge into the Black Meadow. This is a secondary means of treating affluent from the plant. Preserving on site wetlands is important to oxidize the water for further cleansing and to equalize the water to the existing water temperature.

**Melissa Gallo**, Florican Lane, felt that the correct steps are being taken, even though we should be aware of potential problems. She was annoyed with the existing problems with the Village sewer plant. She referred to the River Keeper's (environmental watch group that protects the Hudson) role in issuing several moratoriums on any additional hook-ups to the sewer system and perhaps that is why the Village initially denied developers to hook up. She is concerned about the existing landfill leaching heavy metals and the problems associated with that. Acknowledging that Town residents in the sewer district have no say in the Village to voice their concerns. (For the record) "The current system does not work, we're not happy with it, no future Town residents are going to be happy being under the thumb of the Village when we don't elect them."

**Richard Cantor**, Counsel to ADC Orange Inc., submitted a letter dated May 5, 2009 prior to this hearing. He agrees with Mr. Sweeney and Mr. Esposito that the first best choice, if it is workable for environmental and financial reasons, is the Village system. If it turns out that the Village isn't a feasible alternative either because the Village wouldn't take it or if there are problems that wouldn't allow the Village to take it, then he is in favor of the creation of an enlarged water/sewer district. To include property of ADC Orange Inc. would lend multiple benefits in spreading the cost and function over a larger base.

**Keith Roddey**, Webster Ave., who is "against any project that would contribute towards reducing our open spaces, adding hundreds of new kids to our schools and causing our taxes to go up further." He is especially against making it easier for developers to do this. He is *leery* of promises from developers who build a sewer plant and plan to stay around to run it. One of the bargaining tools we have is allowing the developers to hook up to the Village sewer plant. Normally, if the resources are there, the developers can build their own sewer plant. Allowing them to hook up to the Village's plant doesn't contribute to their being able to build houses, it just redirects where they spend their money. If these houses are to be built, the real solution is for them to hook in to the Village's sewer plant which has the potential of benefiting all of us. Currently Hambletonian Park and Arcadia Hills are sending twice as much sewerage to the sewer plant than they should. Half of what they pay for is due to leaking pipes and infiltration. Instead of setting up a new sewer district with a new plant, have the developers fund a replacement of these leaky pipes. If this is done, then both of these developments will see a significant reduction in their sewer bill in the part the Village charges them. He emphasizes that the real solution is for the developers are to hook up to the Village sewer plant and for the Hambletonian Park and Arcadia Hills to get their pipes replaced.

**Allison Graesser**, Yankee Maid Ln., agreed with Mr. Roddey. She inquired that if the developers were to hook up to the Village, what would be the impact to the existing sewer lines based on their flow? She assumes that this would *not* be good. They would probably have infiltration problems based on rain water that they are experiencing at 100%. Her bills are almost \$4,000 a year for water/sewer. Mostly sewer. Is it cheaper to build a new plant or to hook up to the Village and replacing the existing lines? She feels that replacing the existing lines would be in the best interest for all.

**Cheryl Maturana**, Old Chester Rd., She is concerned with the processing of sewer and the availability of water needed to do so. Her interests pertain to water well testing and the quality of the water. Goshen has always had problems with water. She is also concerned with the quality of

the treated water released into the Black Meadow Creek and into the ground that might get into her well water. Water is her primary concern.

Mr. Esposito responded by assuring her that the processing of sewage in itself has enough water. Goshen has strict well testing protocols and so does the State Health Dept. and the DEC. The DEC would ultimately regulate in this case, a central water system. There will be an operator working daily sampling the water released. He detailed the process of water regulation to assure that every thing is being done for a safe operation of the plant.

**Bienvenido Carretero**, Yankee Maid Ln., He can't believe how much money he is spending on his sewer bills. Why not build a package plant in Hambletonian Park? It's not as expensive as you might think. Many towns are building package plants. He is upset that that the Village never went out to bid for the sewer plant. NYS requires that over a certain amount, a project must go out for public bid. There were many associated projects with the sewer plant that was not put out for bid. He'd like to know why this was allowed to happen.

**Daniel Matteo**, Knapp Terrace, He agreed with Mr. Roddey that Hambletonian Park has to have the pipes checked out. However, we also have another problem, a political problem. We have no representation at the Village Hall. Our bills come from there and our money goes there. He would like to see some representation in the Village Hall. After many news articles and residents rallied in front of the Village Hall, has the Village representatives come forth to talk with Town residents about their water/sewer district. "It's too little, too late now." He wants more than *disingenuous* office hours and a patting on the shoulders saying everything is going to be okay. This week, at the Village Hall, he requested that an elected Town official work equally, with equal say, with an elected Village official regarding sewage issues, specifically in regard to this new sewage plant. The response from the Village was "NO". If that is going to be the Village's position, then they force us to seek other options. Building a new sewage plant in Goshen, sounds like a good option for us. Morally, he can't understand why a developer would put another community in the position that Hambletonian Park and Arcadia Hills are in now. Financially, how could a developer expect to sell 70-100 houses when their own communities have trouble selling their houses now when a potential home buyer finds out what their water/sewer rates will be. A new sewage plant would be good for future communities. He also believes that the environment should not be abused, but treated with respect. He also believes that the benefits to thousands of people and a whole community should take precedence here. To sum it up, "if creating a water/sewer district for Heritage Estates moves us in the direction for a new sewage plant, then Hambletonian Park would be in support of that."

**Neil Hickok**, West Main St., Requested that consideration be given to public lighting and parking lot lighting, in a development, to deflect the light down instead of up to avoid light pollution. Should the proposed sewage treatment plant be developed, not only to process what is mandated, but it will also process antibiotics and hormones, such as growth hormones and estrogen. Some of these find their way through sewage treatment plants and affect wildlife. He is concerned about the draw-down of the wells and the effect on neighboring residential wells in the area.

**Joel Markowitz**, Wickham Ave., One of the problems the Village has had with its treatment plant is the *availability* of clean water as a necessary component of processing. He asked what are the clean water requirements of the facility proposed for Heritage Estates and what would the clean

water requirements are for a regional facility and how would the requirements affect the surrounding parcels?

Supervisor Bloomfield referenced the Board meeting on June 8, 2009 the Town had with representatives from the American Water Co... This company covered several methods to treat sewage processing it into potable water. There are ways the processed water can be recycled to the plant. "The technology today is incredible." The applicant's engineers would have to follow our water protocols for sufficient available water.

Mr. Esposito stated that the State requires the applicant to conduct long term well testing. This is twice the average daily demand with the best well out of service. With the worst producing wells, they still have to be able to produce twice the average daily demand. These tests have been done twice, reviewed by our hydro geologist twice, currently being reviewed by the State DEC and their hydro geologist. In summary, a plant will be designed to treat 26,000 gallons a day. There is no fresh water requirement.

**Geri Corey**, Old Chester Rd. "Where are you going to get the drinking water for 77 more homes when people have problems with water in that area right now?" For years, every time some one tests the water, her water (well pressure) goes right down and she has seen dirt come out of her faucets and it never come all the way back up. Will she have the problems Brookside residents have?

Mr. Esposito stated that the testing protocols are done at the rates that are twice the daily demand in service. The only draw-down test performed was a 72 hour test. He doesn't know the answer to her question. The results were acceptable by our hydro geologist and the DEC hydro geologist. The developer is obligated to follow a series of protocols to monitor surrounding wells and mitigate the problems.

**Jerry Boss**, Craigville Rd., This community has been exploited by developers and dump sites. That is why we are hearing some of the things we are hearing tonight. The people have a right to be upset. Is the developer going to post bonds to protect the people? We don't want the past repeated.

Councilman Newbold made the motion to keep the public hearing on the Heritage Estates development of water/sewer district open. Councilman Cappella seconded the motion.

On a Voice Vote, the motion passed: 3 AYES Bloomfield, Cappella, Newbold  
0 NAYS

**Supervisor Bloomfield** would like to see the rational behind hooking up with the Village and designing a new plant. To answer the question "Why"...seeking information and data. For example: is the Village cost competitive or how does it compare with a new plant. Mr. Walker has a huge investment in this project and he wants to move this along. Therefore, timing is another issue.

Supervisor Bloomfield thanked everyone for their input, because "all of us are smarter than anyone of us".

**Neal Halloran**, Building & Zoning Dept. Praised the Planning Board for all of the hard work they have put into this project so far. They have done an excellent and thorough job assuring that the water protocols are met and overseeing the 60+ conditions as part of the FEIS approval process. He invited anyone who is interested, to come to his office to review the EIS.

**Councilman Newbold** asked if the developer has to put up a bond for the project. Mr. Halloran said that developers have to put up a bond.

**John Graesser**, Yankee Maid Ln., Inquired if the proposed sewer plant has the ability to add on modules to process larger amounts if needed. Response: Yes. Also, "how much does the Village charge the Town for one gallon of sewer?" Response: we can get that figure.

Supervisor Bloomfield thanked everyone for coming.

**F. NEW BUSINESS:**

**ACCEPT RESIGNATIONS FROM JOINT RECREATION:**

1. Councilman Cappella made the motion to accept the resignation of Bonnie Mayefsky, Parks & Recreation Coordinator as of June 5, 2009. Councilman Newbold seconded the motion.

Discussion: The Board members agreed to send her a letter of appreciation for her outstanding work and dedication to her position with Parks and Recreation.

On a Voice Vote, the motion passed:     3 AYES     Bloomfield, Cappella, Newbold  
  0 NAYS

2. Councilman Cappella made the motion to accept the resignation of David Predmore, Parks & Recreation Head Groundskeeper as of June 3, 2009. Councilman Newbold seconded the motion.

On a Voice Vote, the motion passed:     3 AYES     Bloomfield, Cappella, Newbold  
  0 NAYS

**G. FINANCE**

Councilman Newbold made the motion to authorize the Supervisor to pay manual A/P runs as of 05/22/09 amounting to \$9,341.72 and accounts payable check run for 05/21/09 & 05/28/09 amounting to \$180,299.15 and accounts payable check run for 06/11/09 amounting to \$276,339.45. Councilman Cappella seconded the motion.

On a Voice Vote, the motion passed:     3 AYES     Bloomfield, Cappella, Newbold  
  0 NAYS

## H. PRIVILEGE OF THE FLOOR

Jerry Boss asked for the status of the IWS negotiations. Response: Nothing new is going on. We are waiting for our engineer to complete his scoping findings. Mr. Boss suggested contacting the DMV to get a list of all the trucks registered to IWS, so that we can begin to collect the carter's fee. With our list of carters, we still need to implement a way to monitor the trucks to collect all fees due to the Town. The carters are to pay \$100 per truck. Mr. Boss thanked the Town Board members for doing a good job.

## EXECUTIVE SESSION

Councilman Cappella made the motion to enter into Executive Session to discuss a personnel matter with the intent not to return. The motion was seconded by Councilman Newbold. Motion Carried.

## ADJOURNMENT

Time: 09:55PM

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Priscilla Gersbeck, Deputy Town Clerk