

TOWN OF GOSHEN  
TOWN BOARD WORK SESSION  
August 10, 2009  
M I N U T E S

A work session of the Town Board of the Town of Goshen was held on the 10<sup>th</sup> day of August, 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
	Philip Canterino	Councilman
	Louis Cappella	Councilman
	George Lyons	Councilman
	Kenneth Newbold	Councilman

Also Present	Dennis Caplicki	Attorney for the Town
	Priscilla Gersbeck	Deputy Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:34pm.

**1. ESTABLISH PROCEDURE FOR ESCROW FUNDS TO COVER REVIEW OF LAND USE APPLICATIONS BY THE TOWN BOARD (I.E. PAC REVIEW REQUEST)**

Supervisor Bloomfield opened the meeting for discussion pertaining to an application located on Route 207 (Timber Trail) for a special use for a Planned Adult Community ( PAC). The Planning Department will oversee handling the escrow account. Discussion to establish a procedure to *set up* escrow accounts and for the review process of PAC land use applications before the Town Board, followed.

Councilman Canterino asked for clarification of procedures used in the past, since this is under our Zoning regulations. In the past, the Planning Board received applications and processed them. With the new changes incorporated into Local Law #4, all PAC applications come before the Town Board for final approval/disapproval.

Attorney Caplicki stated that the "sketch plan" of the PAC applications would initially be presented to the Town Board for approval/disapproval. If approved, it would go to the Planning Board to be processed.

Councilman Canterino questioned the responsibility for the fees needed during the review process by the Town Board of the application. Where is the technical cut-off of the review process? The criteria in our code will be used to guide a decision.

Councilman Cappella referred to the PAC in the Village on Clowes Ave. In spite of the studies done and policies followed by the Village, the original PAC idea failed, because of the economic down turn. Taking into consideration all of the code requirements, we should also look at sell-ability. His point

was well taken, because PAC applications are market driven. Councilman Cappella strongly feels that the Board needs to take into consideration why PACS have failed in other areas to avoid those mistakes.

Councilman Canterino feels that there are a lot of technical areas that the Planning Board deals with on every application. They make recommendations to the Town Board based on their technical review. He is skeptical that when a PAC application comes before the Town Board, many of the technical requirements will be missed. What if the decision to proceed by the Town Board requires technical input? The Town Board doesn't know all of the protocols required by the Planning Board to process the PAC. It could take a long time for the Town Board to research the application. "How does this flow?" Granted some of the applications may be cut & dry. What would happen if the PAC was approved before the Town Board and turned down before the Planning Board? There are many things to consider here. He feels that PAC applications should begin with the Planning Board. Let them review the application and refer it to the Town Board with recommendations.

Supervisor Bloomfield wants to avoid having PAC applications go through the Planning Board process only to be turned down by the Town Board.

Councilman Cappella doesn't want to see PACS go through the Planning Board first. If the PAC special permit is denied, why have the applicant go through the lengthy review before the Planning Board and not get processed according to the zoning requirements.

Councilman Lyons feels that the current changes to Local Law #4 were designed to put control into the elected official's hands. He has no problem with the process beginning with the Town Board. We can have our professionals (at the applicant's expense) look at the PAC application, with some of the data, based on the criteria. Then the PAC application is passed on to the Planning Board for their review and returned to the Town Board for approval/disapproval. The final decision is at the Town Board level. He agreed with Councilman Canterino, for he doesn't feel that he can make a full and logical decision based just on an initial application without the Planning Board's input.

Attorney Caplicki noted that the current changes reflected the Town Board having control of the final decision. The application may go back with participation from the Planning Board with reports etc. as directed by the Town Board. Again, the ultimate decision rests with the Town Board. Then it will go back to the Planning Board for finalization.

Councilman Canterino acknowledged that the ultimate decision is with the Town Board and was uncomfortable with the initial decision and research aspect. Therefore, a conceptual conference with the Town Board is acceptable.

Councilman Newbold agreed with Councilman Canterino. They do not want to see duplication of billing to the applicant for professionals used at both Boards.

Attorney Caplicki envisioned the application presented to the Town Board. There would be a cursory review of it. Then it would be determined conceptually if it makes any sense. If there is any compliance of the criteria under the code, conceptually, then *immediately* refer it back to the Planning Board for the "expertise:" work. Therefore, how the application gets to the Planning Board is through the Town Board.

Supervisor Bloomfield agreed that he doesn't want the applicant to spend too much money if there is a strong possibility of denial. He referenced Councilman Cappella's remark regarding the economics of a potential PAC. The marketability of the PAC needs to be looked at. We don't want the Pac to fail as the one on Clowes Ave. in the Village did.

Supervisor reviewed the options from this lengthy discussion.

One: an application is presented to the Planning Board for review, and then they will give it to the Town Board for a decision with basic recommendations. The other option is that the applicant would first submit an application to the Town Board. The Board would follow the Town Code criteria for a decision. If the answer is yes, then it would be forwarded to the Planning Board. If the application doesn't follow the code criteria, it is denied. Another option is that the application comes first to the Town Board for a cursory criteria review. If it meets any of the criteria, it *immediately* goes to the Planning Board for analysis and work-up, with recommendations. Therefore, the Town Board's involvement is minimal.

Attorney Caplicki repeated that the Local Law#4 states that the PAC first comes to the Town Board. There was a *great deal of confusion* with the wording of the law. Also, the professional consultant fees should not be established at this level.

**After much deliberation, Supervisor Bloomfield clarified this issue as: The PAC concept/application will be presented before the Town Board. After the presentation, the Town Board will decide if it meets the criteria. If not, the application is turned down. If so, the application will be forwarded to the Planning Board for their analysis and recommendation(s) at this *initial* analysis stage. Likewise, the Planning Board returns the application to the Town Board with the *initial* analysis for the Board to review. After the initial input from the Planning Board is reviewed, it will/will not be returned to the Planning Board to process. At the end of the process, the PAC will go back to the Town Board for the final decision. The Board members were in agreement with this procedure.**

## **2. STATUS OF CHAPTER 80B LICENSING OF WASTER HAULERS**

Deputy Clerk, Priscilla Gersbeck, stated that the Town has received three applications. IWS submitted a completed application with a check for \$5,300 to license 53 vehicles. Marangi Disposal submitted \$600 along with their application for 6 vehicles. The third application, Material Processing, was incomplete and returned for more information. At the moment, Trot Town (Ideal) Printing has a designed plate ready to print a batch of licenses. We are waiting for delivery from the paper mill, of carbonless security paper which is a special order. We are anticipating more responses from the initial mailing list. The companies which have not responded have been sent a second notice. The

starting date is September 1, 2009. At that time the Town Police will begin to stop and check carters/haulers vehicles for proper licensing.

**3. REQUEST NEWSPAPER CORRECTION FOR AMOUNT OF ASSEMBLY WOMAN RABBIT'S GRANT TO THE TOWN OF GOSHEN AS \$54,776 VERSUS \$5,476 ACTUAL AMOUNT.**

Supervisor Bloomfield is going on record to correct an error published in the newspaper. The grant is for \$5,476 not for \$54,776. Supervisor Bloomfield has received phone calls from several people who were pleased with the amount received; only to find out it was a typo-error by the newspaper.

**4. REVIEW RESOLUTION TO SETTLE THE HARNESS ESTATES TAX CERTIORARI**

Attorney Caplicki hasn't received the final consent judgment from Attorney Hagstrom. Therefore, this is tabled for the next Town Board meeting.

**5. REVIEW BID PACKAGES FOR TANK REPLACEMENT AT SCOTCHTOWN PARK AND BACK-UP WELL FOR STONEHEDGE WATER DISTRICTS AND ESTABLISH A BID DATE.**

Supervisor Bloomfield received correspondence from Riddick Associates, P. C. (Environmental Engineers).

["This project requires review and approval by the Orange County department of Health and New York State DEC. Most improvements are being completed in response to County DOH recommendations and we expect an early reply. We have discussed the project with the County and they expect the plan submission. The site of the existing and new well supply is in a wetland buffer area and requires a permit from DEC. We have met at the site with Doug Gaugler of DEC and have reviewed the permitting requirements with him. We have a general agreement with Doug as to the well location and will be submitting the permit application to him early next week."]

**6. DISCUSS AUTHORIZING THE CHIEF OF POLICE TO PURCHASE A POLICE CAR USING THE NYS BID SYSTEM**

Supervisor Bloomfield received a letter dated 7/17/2009 from Senator Larkin announcing that the Town of Goshen was awarded legislative initiative grant money totaling \$30,000 to be used towards the purchase of a patrol car for the Town Police Department. However in a memo received from Senator Larkin on 7/16/09 it was stated: "I will notify you in writing once the Assembly convenes and passes the resolution". "I would recommend that you do not incur any expenses toward this grant until the Assembly passes this resolution". With these communications, we're not sure if the Town has gotten the grant. Meanwhile, as we are waiting, Supervisor Bloomfield asked the Budget Officer, Bill Standish, to contact Albany for the paper work to be completed for the contract. There are more materials and information requested by the agency in order to proceed with the drafting of our contract.

This is a good time to discuss the type of Police car we want to buy. Do we want to replace an 8 cylinder Crown Victoria car with a fuel efficient 6 cylinder car? There are other Police Departments using hybrids and 6 cylinder cars. Councilman Canterino will speak to the Chief about this.

**7. AUTHORIZE BUDGET OFFICER TO PAY OFF BANS – HIGHWAY EQUIPMENT AND HIGHWAY IMPROVEMENTS - 2005**

Budget Officer, Bill Standish, is requesting approval to pay off the equipment BAN due on 8/21/2009 in the amount of \$106,000. This year's principle is \$53,000 and the remaining balance of \$53,000 principle will be paid from existing fund balance in DA fund. It will save the Town about \$1,000 in BAN preparation legal fees and another year of BAN interest. He is also requesting approval to pay off the 2005 Highway improvement BAN due on 8/31/2009 in the amount of \$60,000. This year's principle is \$30,000 and the remaining balance of \$30,000 principle will be paid from existing fund balance in the DB fund. This will also save the Town around \$1,000 in Ban preparation legal fees and another year of BAN interest.

Supervisor Bloomfield made the motion to authorize the Budget Officer to pay off the BAN on highway equipment due on 8/21/2009 for \$106,000 and to authorize him to pay off the BAN for highway improvements for 2005, due on 8/31/2009 amounting to \$60,000. Councilman Canterino seconded the motion.

On A Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold  
0 NAYS

**8. STATUS UP-DATE ON THE SLESINSKI PDR PROCEEDINGS**

Supervisor Bloomfield and Councilman Newbold attended the County PDR hearing on Thursday evening regarding the Slesinski property. The paper work was in order and the purchase was approved. A closing date will be assigned to finalize the transaction. The County Attorney will notify the Town when the money will be available.

**9. STATUS REVIEW OF VILLAGE SEWER RECORDS BY S. BROWN, CPA/RIDDICK ASSOCIATES**

Attorney Caplicki will have a report for Thursday night's meeting.

**10. STATUS REVIEW OF VILLAGE SEWER RECORDS BY N.Y.S. COMPTROLLER'S OFFICE**

There has been no correspondence between the Comptroller's Office and the Town at this time. The last communication noted that someone from the Comptroller's office will be in Goshen on Monday, Tuesday and Wednesday. We have not heard from them as to what they have done.

**11. TIME WARNER FRANCHISE RENEWAL STATUS**

Supervisor Bloomfield referenced a letter from Time Warner dated March 13, 2009. The letter noted that Time Warner Inc. planned to fully divest its ownership interest in ("spin-off") Time Warner Cable Inc. ("TWC") leaving TWC as a separate publicly traded company. The Temporary Operating Authority under which Time Warner-Orange County has been providing service in the Town of Goshen expired February 22, 2009. The extension providing services expires on August 22, 2009. Attorney Caplicki stated that the Town has sent numerous letters to Time-Warner requesting renewal procedures, with no response. Councilman Lyons suggested that someone contact John Figliozzi, Chief of the Municipal Assistance Section, for consulting and mediation assistance. Attorney Caplicki will follow-up with the status of our renewal for the next meeting.

**12. DISCUSS POTENTIAL OPPORTUNITY FOR WQIP GRANT PROGRAM ASSISTANCE FOR SEWER LINE REPLACEMENT**

Water Quality Improvement Projects (WQIP) Grant Program is due on October 16, 2009. The WQIP program is a competitive reimbursement grant program that helps communities improve water quality. At first it was thought that this could help the Town correct the I & I sewer line replacements. It is possible that the I & I replacements may not meet the Grant criteria. Supervisor Bloomfield will speak with Dennis Lindsay, Riddick Associates, P.C., to see if there is a *remote* chance of meeting the requirements.

**13. HIGHWAY REQUEST FOR FURNACE**

The furnace at the Town Highway Garage, which heats the office, break-room and bathrooms, has been deemed illegal by PESH standards after the recent site inspection. It is a hanging unfiltered unit in the shop which has been in place since 1969. The unit is exposed to the exhaust and fumes in the shop, which it cycles through. The Highway Dept. sought out four quotes for a new energy efficient furnace and air conditioner, filters and new duct work. This unit meets NYS PESH standards. One company refused to touch the old unit. The quotes came from: Flowtech HVAC for \$9,400.00, VanDuzer Plumbing & Heating for \$11,850.00 and a verbal quote of \$12,300 from ASTAR. The Town Budget Officer will decide where the money will come from. Councilman Lyons wants to see the guarantee offered and the service contract provided (they should meet all PESH standards) included in the quote. Legally, we will have the Town Engineer set up specs. for the furnace bids and place an ad in the paper.

**14. HIGHWAY DEPARTMENT'S SURPLUS EQUIPMENT**

The Highway Dept. currently has several pieces of equipment that are beyond repair and no longer used. The Dept. is seeking approval from the Town Board to have these items classified as surplus equipment and put out for bid. Councilman Cappella made the motion to authorize the Highway Department to surplus the equipment listed to be put out for bid. Councilman Lyons seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold  
0 NAYS

**15. DISCUSS RESOLUTION TO DECLARE THE GOSHEN TOWN BOARD LEAD AGENCY REGARDING THE COMMUNITY DEVELOPMENT BLOCK GRANT TO IMPROVE JESSUP SWITCH ROAD**

Supervisor Bloomfield received word that the County will allocate money received under the stimulus package (Community Development Block Grant Program) for our requested Jessup Switch Roadway improvements. The project summary is: Total construction is \$239,000 plus the Construction Contingency @20% is \$47,800 totals \$286,800. We have reason to believe that we will receive this entire amount. There is an added cost of \$57,360 (payable from the Town budget) covering legal, admin & engineering @20% which will be negotiated down to 10% or less. The improvements will start at the Pumpkin Swamp Road end and will likely go past the turn facing Quarry Road. We don't have enough money to connect to the Quarry Road end. As part of a stimulus package, this project will be put out for bid to create jobs.

Councilman Lyons made the motion to declare the Town Board lead agency regarding the Community Development Block Grant to improve Jessup Switch Road. Councilman Canterino seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold  
0 NAYS

**16. AUTHORIZE THE SUPERVISOR TO HIRE RIDDICK ASSOCIATES, INC. TO PREPARE A BID PACKAGE AND COMPLETE NECESSARY DESIGN DOCUMENTATION FOR THE JESSUP SWITCH ROAD GRANT**

In accordance with the above discussion, Councilman Newbold made the motion to authorize the Supervisor to hire Riddick Associates Inc. to prepare a bid package and to complete the necessary design documentation for the Jessup Switch Road Grant. Councilman Cappella seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold  
0 NAYS

**17. ANNUAL TOUR DE GOSHEN**

On Sunday, August 16, 2009 Joe Fix Its and the Goshen Rotary Club will host the 22<sup>nd</sup> Annual Tour De Goshen. This year's proceeds will benefit Winslow Therapeutic Center, "Healing with Horses". Winslow Therapeutic Center is an accredited, non-profit organization who continues on its mission to provide therapeutic horseback riding to children and adults with special needs. Winslow also offers continuing education seminars to professionals in the special needs field.

Councilman Cappella made the motion to authorize the Tour De Goshen organization to have the 22<sup>nd</sup> annual Tour De Goshen on August 16, 2009. Councilman Newbold seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold  
0 NAYS

Discussion: The Town received the proper insurance documentation for coverage. The route will be the same as last year's Tour de Goshen. Councilman Canterino questioned that if the Town Police are involved, will they be paid overtime? He will speak with Chief Marsh on this.

Supervisor Bloomfield called for any other items for discussion.

Councilman Lyons reminded the public to exercise their right to vote. The Minisink Hook & Ladder Company is proposing a \$2.8 million firehouse expansion. The vote will be held at the Minisink firehouse from 6:00pm to 9:00pm on Tuesday, August 18, 2009.

**EXECUTIVE SESSION:**

Councilman Cappella made the motion to enter into Executive Session to discuss the following,

1. OWEN'S ROAD LITIGATION
2. ADC INC. LITIGATION
3. ROOSTER CODE ENFORCEMENT STATUS
4. PERSONNEL – WATER/SEWER DEPARTMENT
5. AL TURI TAX CERT STATUS

with the intent not to return. The motion was seconded by Councilman Newbold. Motion carried.

Time: 9:30PM

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Priscilla Gersbeck, Deputy Town Clerk

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