

**TOWN OF GOSHEN
TOWN BOARD MEETING
June 09, 2011**

A Regular Meeting of the Town Board of the Town of Goshen was held on the 9th day of June, 2011 at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:	Douglas Bloomfield	Supervisor
	Kenneth Newbold	Councilman
	Philip Canterino	Councilman
	Louis Cappella	Councilman

Absent: Councilman George Lyons

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 said he would like to add a third item to the Executive Session, IMA response to our letter for 72 homes hookup. Attorney Caplicki said it could be discussed along with #1, Sewer Dispute Arbitration status.

C. PRIVILEGE OF THE FLOOR (agenda items only) Geri Cory, reporter for the Chronicle, asked for the Board's response to the Resolution that the Village passed, regarding the IMA that has expired between Arcadia Hills, and Hambletonian Park, and that they want to create an interim agreement until a final agreement can be reached.

Supervisor Bloomfield replied he would like to look back on how this situation began, as it has quite a history. He said Michael Walker and Roger Mumford came to the Board about three months ago, they are the owners and the applicant for New York Farms, AKA Heritage Estates. They came before the Board with a package plan to build it's own water/sewer district, with a low profile tank, two electric pumps, a diesel backup generator pump. He said in today's society this is not a good system, it requires high maintenance.

The Board consulted Dennis Lindsey, Town Engineer to work with the applicants. After looking at Heritage Estates plans, Mr. Lindsey pointed out the flaws, and the expense, and suggested they not build the plant. He suggested instead, that the applicants pipe everything up to Hambletonian Park, and expand that district from 165 houses to 240. He explained if they did this they would have gravity fed water, with no pumps, and if you have a fire, you have water in the tank. The applicants felt this was a good plan, and the Board suggested the applicant could give Hambletonian Park some money to perhaps be used to build a second tank. Supervisor Bloomfield said the Board was in favor, as they would like to do the same with some of the other subdivisions, and perhaps one day form a water loop. Mr. Lindsey pointed out all the other money saving things that could come with joining Hambletonian Park's system, as well as helping Hambletonian Park residents.

Supervisor Bloomfield stated after the applicant agreed, he and Councilman Newbold went to talk to members of Hambletonian Park, who also agreed it would be advantageous. He said this was followed by a Public Hearing, and again attending residents of Hambletonian Park also agreed that it

was a good idea. Based on these agreements, the Supervisor said he wrote a letter to Mayor Kyle Roddey on May 27, 2011

Supervisor Bloomfield said at this time he wrote the following letter to the Mayor.

May 27, 2011

Hon. Kyle Roddy
Mayor, Village of Goshen
276 Main Street
Goshen, New York 10924

Re: Hambletonian Park Sewer District: Hookups – New York Farms, LLC

Dear Kyle:

As you are aware, the Town of Goshen is presently considering expanding the geographical boundaries of the Hambletonian Park Sewer District at the request of New York Farms, LLC so as to include lands owned by New York Farms, LLC in to the Hambletonian Park Sewer District.

The previous contract between our municipalities, dated February 14, 1980, for the provision of sewerage treatment services by the Village to the Hambletonian Park Sewer district expired on May 31, 2004. The aforementioned contract provided in pertinent part that no additional hookups into the Hambletonian Park sewer system were to be established without the prior written consent of the Village (paragraph 8).

The New York Farms, LLC project as submitted and processed through the Planning Board of the Town of Goshen, contemplates approximately seventy-five (75) additional homes. It is the Town's understanding that at your December 27, 2010 Village Board meeting, The Village Board adopted a resolution setting forth its intent to provide sewer service to the aforementioned New York Farms, LLC (Heritage Estates) project.

So as to minimize and/or avoid any further problems or disputes, as the arbitration between our respective municipalities with regards to various sewer issues has not been concluded, it is respectively requested that the village please acknowledge in writing its consent to said additional construction/hookups with respect to the New York Farms, LLC (Heritage Estates) project and its incorporation into the Hambletonian Park Sewer District.

Thank you for your anticipated cooperation and should you have any questions with respect to the foregoing, please let me know.

Very truly yours,

Douglas Bloomfield
Supervisor, Town of Goshen Town Hall

The Supervisor reported the Mayor hand delivered a reply, about a ten page document, with two resolutions saying the Village canceled our contract with them. Supervisor Bloomfield told Mayor

Roddy that the applicants from Heritage Estates had at first been told they could not hook up to the Village system, then they were told they could, and now you are telling them they can't. The Supervisor explained to the Mayor that Mr. Mumford has to finish this application this year or he will have to give up the project, and the Village will lose the additional seventy five homes.

Councilman Canterino read a passage of the Village's reply: "I am encouraged by the steps the Town has taken to add these seventy-five homes to those who will use our sewer plant." "However, we cannot, as you request, agree to take on these homes under the terms of the old contract." Councilman Canterino said "we only have the old contract, or no contract, they can agree, all they have to do is vote." Councilman Canterino continued to read from the letter: "And, given that you view this contract as "in immediate need of modification, update and rewrite," I am sure you can understand why we cannot so agree." He said this is their response to our asking if they would allow seventy-five more homes to hook up to their sewer district.

Supervisor Bloomfield read a letter dated June 9, 2011 from Mayor Roddy stating the following:

Supervisor Bloomfield,

I wanted to follow up on my previous letter regarding the Heritage. To be clear, the Village is strongly in favor of providing sewer service to the Heritage development. Both Town and Village users will only see financial relief by new customers joining the plant. The Village of Goshen has previously adopted a resolution in favor of adding the Heritage as new customers.

It is my hope that the Town of Goshen will approve their application to the DEC and begin providing our Community Members with some relief. However, as I indicated in my previous letter, the Village is not in favor of adding these new units under our current, expired, contract. I do not feel that our disagreements over contract negotiations should be cause to delay this project. I encourage you to allow the Heritage to move forward, concurrent with our municipalities determining future billing arrangements. One should not stop the other.

Best,
Kyle Roddey
Mayor, Village of Goshen Town Hall

Supervisor Bloomfield said he wants to do what the Mayor wants to do, "I want to proceed on, and give authority to expand the district, and add the houses."

Attorney Caplicki advised the Board not to move forward at this time, and that it should be discussed further in Executive Session. There was a brief discussion on how to proceed going forward, and Jerry Boss asked "who is going to get sued here." Supervisor Bloomfield replied he did not know how to answer him. However, he said he was sure some how we can work through it.

D. OLD BUSINESS:

1. APPROVAL OF PURCHASE OF TWO DEFIBRILLATORS: Attorney Caplicki explained that Councilman Lyons reported he has found available defibrillators at a reasonable price, two for a total price not to exceed \$2,700. He reviewed the Resolution to authorize the purchase. Resolution is as follows:

**TOWN OF GOSHEN
RESOLUTION**

Authorization to Purchase Town (2) Automatic External Defibrillator

INTRODUCED BY: Councilman Kenneth Newbold
SECONDED BY: Councilman Louis Cappella
DATE: JUNE 9, 2011

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 9th day of June, 2011:

WHEREAS, the Town Board of the Town of Goshen, is interested in the health and welfare of its employees and citizenry, and

WHEREAS, in order to further the health and welfare of its employees and citizenry, the Town Board of the Town of Goshen has determined that it would be in the best interest of the community to purchase two (2) automatic external defibrillator for a total price not to exceed \$2,700,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Goshen does hereby authorize the purchase of two (2) automatic external defibrillators for a total price not to exceed \$2,700.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	AYE	Councilman, Philip Canterino	AYE
Councilman, Louis Cappella	AYE	Councilman, Kenneth Newbold	AYE
Councilman, George Lyons	ABSENT		

Vote: Resolution carried by a vote of 4 to 0

Supervisor Bloomfield explained that Broderick Knoell, (Highway Superintendent) and his wife are donating the funds to purchase the defibrillators. Mr. Knoell did some consultant work for the Town of Goshen before he became Highway Superintendent, with a contract of \$2,500. At that time Mr. Knoell stated the Town could keep the money owed to him if they would agree to buy two defibrillators, one for Highway and one for the Police Department.

2. APPROVE OLD TROUT CITY REQUEST TO FILM IN FRONT OF TOWN HALL:

Supervisor Bloomfield explained that Old Trout City Productions, a film company, has requested to film a small TV ad campaign for Mediacom in front of the Town Hall. They will be filming for about four hours, and will not tie up traffic, etc. They have requested the use of one of our police cars, but no one will be driving it, it will just be a prop. They are requesting to do the shooting on Tuesday, June 21st. The fee for the filming will be \$1,250.00. They are providing the Board with proof of insurance, and will sign the hold harmless form. Councilman Newbold made the Motion to authorize the Supervisor to enter into an agreement with Old Trout City Productions to create a small TV ad campaign for Mediacom on June 21, 2011. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

3. APPROVAL OF MINUTES: Councilman Newbold made a Motion to approve the minutes of the Work Session of May 9th, Regular Meeting of May 12th, and special Meeting of May 18, 2011. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

4. COUNTY OF ORANGE SUPPLYING TOWN OF GOSHEN TWO OR THREE DATA COLLECTORS STARTING NEXT TUESDAY, THIS IS IN RESPONSE TO OUR REQUEST FOR ASSISTANCE:

Supervisor Bloomfield explained that this is an informational item to let the Board know that he had written to John McCarey, Director of Real Property with the County, asking for assistance with the data collection needed for the revaluation. Mr. McCarey responded saying that as of Tuesday, June 14th, he will provide the Town with two or three part-time data collectors, at the County's expense. Mr. McCarey said the County will do everything they can to help the Town of Goshen with this revaluation. Supervisor Bloomfield stated he would like to thank Mr. McCarey, and the County Executive for making them available to us.

E. NEW BUSINESS:

1. CANNON HILL ROAD DEDICATION: Attorney Caplicki reported that the road was supposed to be dedicated tonight, but Highway Superintendent Knoll feels there are two small items that should be addressed before the road is dedicated. Therefore, Attorney Caplicki suggested the Board wait till the work is done, he will contact the applicant to inform them what needs to be done.

2. AUTHORIZE THE SUPERVISOR TO SIGN AGREEMENT WITH THE HUMANE SOCIETY FOR EXPANSION OF THE FACILITY: Supervisor Bloomfield said the Board has been working on this for some time. The Supervisor asked Attorney Caplicki to review the resolution. Attorney Caplicki presented the Board with an addendum to the original request the Humane Society had presented to the Board in 2007. It was never completed, as the Society did not have the money. They have received a considerable gift of money and can now proceed with the building. Therefore, the resolution needs to be passed, which will extend the Ground Lease of July 11, 2002 to include an additional portion of land owned by the Town of Goshen to allow the expansion.

Attorney Caplicki reviewed the map and read from a memo from the Building Inspector. The Board had some questions as to whether the Planning Board needed a site plan, etc. The Supervisor will talk to the Building Inspector to be sure the Humane Society has all the necessary approvals. It will be addressed at the June 20th Work Session.

F. FINANCE: Councilman Canterino made a Motion to authorize the Supervisor to pay Accounts Payable Check Run of 6/09/11 amounting to \$117,056.93. The Motion was seconded by Councilman Newbold. Motion carried 4. to 0.

G. PRIVILEGE OF THE FLOOR:

Albert Croyle, 21 Danielle Drive, a resident of a development called 'The Hills of Goshen', said he wrote a letter to the Board, and would like to read it. Some of the highlights of the letter are as follows:

1. Inactive fire hydrants – he found out this year that the blue fire hydrants in his development are inactive. He was not informed of this when he purchased his home.
2. Debris on the land behind his home which has been there for many years.
3. Two foundations for future homes which have been there for three years. The foundations are 18 inches above grade and with an eight plus foot fall and no means of egress.
4. Failure of the Town Board to post the Recreational land, leaving it open to ATV's and hunters.

5. Unsightly conditions of his development , pile of stones in the street, tractors driving up and down, developers trailer unused for two years, abandoned vehicles, etc.

(Entire letter on file in Town Clerk's office)

Responses by Supervisor and Town Board:

Supervisor Bloomfield: The Supervisor, Mark Warren, Broderick Knoell, and Neal Halloran went out to the development to inspect the site. He said his first response is to the fire hydrants. The Orange County Department of Health required the developer to install the hydrants, this development is not on a central water system, you have wells and septic. The Health Department wanted them in so that in the future they could hook up with the Hills of Chester or the Village of Florida might provide the water. You should have been informed by your builder when you purchased the property.

Supervisor Bloomfield said the debris was there when you purchased your property. It was there when the developer purchased the property. It was probably a farm, and the farmer dumped his trash there. He said that Broderick Knoell, Mechanical Engineer and Mark Warren, Water and Waste Maintenance Officer will walk the property, and mark any cans of oil, hazard material, etc., and the Board will have it removed. He stated this is not a recreational area, it was property given to the Town of Goshen by the builder. People should not be trespassing on our property, you are free to call our police if you see people doing so.

The Supervisor stated the unsightly stones, and the condition of the roads, are something to take up with your developer. The empty foundations do need to be addressed as they are a safety hazard. We will pursue this heavily, if he does not have plans to complete them very soon, he will have to take steps to secure them from children in the neighborhood.

There was a brief discussion between the Board and Mr. Croyle about the various aspects of the complaints.

Jerry Boss asked about the county data collectors that were going to help with the revaluation, and what happened to the data collector the Town had. Supervisor Bloomfield explained that he is gone, and the new collectors will be part time.

Joel Markowitz in reference to the filming companies coming into Goshen, said he would like to have the Board consider a Film Board, to deal with these situations on an ongoing basis, and set some procedures. He said he would be willing to offer his assistance. Supervisor Bloomfield and the Board said they would be willing to work with him.

H. ADJOURNMENT: With no further comments, Councilman Louis Cappella made a Motion to adjourn and go into Executive Session, with intent not to return to discuss: The sewer dispute arbitration status and the Time Warner Cable Franchise contract renewal status.

The Motion was seconded by Councilman Kenneth Newbold. Motion carried 4 to 0

Time: 9:45 P.M.

Valma Eisma, Town Clerk

