

**TOWN OF GOSHEN
TOWN BOARD WORK SESSION
September 22, 2008**

A work session of the Town Board of the Town of Goshen was held on the 22nd day of September, 2008 at 7:00 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
Louis Cappella	Councilman	George Lyons	Councilman
Kenneth Newbold	Councilman		

Also Present: Members of the Board of Assessment Review:

Mona Branigan, Chester Engley, Manuel Pardo, Giovanni Pirraglia and Thomas Spreitzer

JoAnn Soules,	Town Assessor
Dennis Caplicki,	Town Attorney
Valma Eisma	Town Clerk

Supervisor Bloomfield opened the meeting at 7:00 p.m. and welcomed the members of the Board of Assessment Review. The Board members of the Assessment Review were present at this meeting to review the work they had done for the year of 2008 with the Town Board. Supervisor Bloomfield stated to the public present that the Town Attorney, Dennis Caplicki, had suggested their joint meeting would be better held in Executive Session, since the Boards would be discussing properties that could possibly be in litigation or may be in the future.

Councilman Cappella made a Motion to go into Executive Session to discuss the 2008 work done by the Board of Assessment Review and a PDR Purchase Agreement, with the intent to return. The Motion was seconded by Councilman Canterino. Motion carried unanimously.

Time: 7:10 p.m.

Supervisor Bloomfield reopened the work session at 8:00 p.m.

WORK SESSION:

1. TIMBER TRAIL, LLC. Supervisor Bloomfield invited Susan Shapiro and her father Milton Shapiro to join the Board to discuss Timber Trail, LLC – Goshen Green proposed development. Susan Shapiro explained, she and her father represent the owner of approximately 127 acres on Route 207, adjacent to the Town of Hamptonburgh. Timber Trail LLC's proposed subdivision, Goshen Green, is planned to have approximately 54 homes, with public sewers, public water, and sustainable energy.

She stated the houses are planned to be sited and built to incorporate solar designs and geothermal HVAC. The houses would be designed for purchasers' energy bills to remain affordable for years to come. Ms. Shapiro stated it could be a model community for Goshen and New York State and would help Goshen to be a leader in the future of sustainable development. She said she understands the Board is looking to change the current zoning to get rid of clustering, really not getting rid of it, but limiting the bonuses. She explained because of the initial costs of public sewers and water, of sustainable energy and of affordable housing, all front loaded, the density bonuses for open space and for affordable housing in the current code help make the proposed development realistic.

Ms. Shapiro explained that they had already incurred considerable costs and expenses in preliminary planning, surveys, engineering and well testing, following the guidelines of the town's current protocol, these things have already been completed. She said the wells yield approximately 200 gallons per minute. They are currently scheduled to appear before the Planning Board on September 18, 2008 for preliminary approval.

Ms. Shapiro said their request to the Board this evening is that the Town create an exemption or other zoning provision with regard to the proposed elimination of density bonuses for open space and affordable housing for our project or other projects having public water and public sewer, and that they agree to meet the environmental certifiable standards established by the Town, such as New York State Energy Star or LEED certification.

Mr. Shapiro said he felt the six acre zoning seems excessive and he feels the Board would be pleased with their development. He asked the Board to use their intelligence to take in everyone's concerns and fix some aspects of the zoning the Board thinks bothersome. He said they have "invested a fortune of money here", doing so is part of his business, however, he said he does not like to think the money "has been confiscated".

Mr. Shapiro said we feel we are doing the right thing, and are really excited about this whole job. He thanked the Board for it's time.

Attorney Caplicki asked the Shapiros what the total size of the property is and how many homes would be allowed under the old zoning? They answered 127 acres and the new zoning would make the property AQ6, meaning it would be six acre zoning. This would reduce the number of units from 54 to approximately 20 units, making the development not feasible. The Shapiros stated there is a lot of water on the property and they should have enough water to supply a large number of residents. Mr. Shapiro stated he did not mean other developments, but perhaps other residents who were having water/sewer problems.

2. RESOLUTION; PDR PURCHASE AGREEMENT: Supervisor Bloomfield called on Attorney Caplicki to introduce the Resolution. Attorney Caplicki explained that the Town and County have approved the purchase of the Development Rights of the Slesinski Farm. He said it is necessary, in order to move this forward, that a Resolution be approved this evening, authorizing the Supervisor to sign the purchase and sale agreement in connection with the purchase of the Development Rights.

**TOWN OF GOSHEN
COUNTY OF ORANGE, STATE OF NEW YORK**

RESOLUTION

**APPROVAL OF SLESINSKI PURCHASE AND SALE AGREEMENT IN
CONNECTION WITH PURCHASE OF DEVELOPMENT RIGHTS**

Introduced By: Kenneth Newbold
Seconded by: Phillip Canterino
Date of Resolution: September 22, 2008

WHEREAS, Article 14 of the New York State Constitution states that “the policy of this state shall be to conserve and protect its natural resources and scenic beauty and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products,” and

WHEREAS, approximately 101 acres of a certain parcel of land, shown on the tax maps of the Town of Goshen as Section 19, Block 1, Lot 121.2, has been presented to the Town Board for the purchase of development rights (“Easement Property”), and

WHEREAS, the Easement Property is located within the Town of Goshen, whose Comprehensive Plan, which includes the Open Space and Farmland Protection Plan adopted July, 2003, recommends preservation of agriculture and open space of the Town of Goshen and further recommends preservation of agricultural resources in Orange County, including such agricultural lands in the Town of Goshen, and

WHEREAS, the Town has determined that acquiring a conservation easement on the Easement Property protects the agricultural and open space values of the property furthering the purposes of preserving the economic, ecological, cultural and scenic values of the Town of Goshen and County of Orange, and

WHEREAS, the Town Board desires to ensure that the agricultural and open space characteristics of the Easement Property will be protected for the benefit of future generations, and desire to do this by entering into this Conservation Easement pursuant to the provisions of Article 49, Title 3 of the environmental Conservation Law, and

WHEREAS, the Town of Goshen and the County of Orange desires to purchase from Daniel and Richard Slesinski a Conservation Easement on the Easement Property,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, approving, with the County of Orange, to purchase the development rights of the Slesinski Farm, by means of a conservation easement and purchase of development rights, where the Town of Goshen will contribute 50% of the purchase price or a maximum of \$393,900 from its Purchase of Development Rights Program plus expenses for approximately 101 acres of the Slesinski Farm: it being understood that in the event less than 101 acres are available for the Conservation Easement, the price will be adjusted downward \$7,800 per acre prorata and in the event more than 101 acres is available for the Conservation Easement, any excess acreage will be treated as a charitable donation by the Sellers to Purchasers and so certified.

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor, Douglas Bloomfield, to execute the attached Purchase and Sale Agreement, and any other documents necessary to effectuate the purchase of development rights for the Slesinski Farm and to effectuate the stated intentions of this Resolution.

Vote: This resolution carried by a vote of 5 Ayes 0 Nays

Supervisor Bloomfield expressed his thanks to everyone who helped to negotiate this purchase price.

3. RESOLUTION: EXTENSION OF MORATORIUM: Attorney Caplicki explained that in January of 2008 a Local Law was adopted "A Moratorium on Certain Residential Subdivision and Zoning Approvals in the Town of Goshen". The effective date of expiration of the moratorium would be October 25, 2008. However, it is possible the consultants will not have succeeded in completing all of the SEQRA work. Therefore, to be able to comply with State requirements and time limits, it is necessary to extend the moratorium by three months or lesser time if the other SEQRA materials are in place.

TOWN OF GOSHEN

RESOLUTION

RESOLUTION EXTENDING MORATORIUM ON CERTAIN RESIDENTIAL SUBDIVISION AND ZONING APPROVALS IN THE TOWN OF GOSHEN

Introduced By: Councilman Kenneth Newbold
Seconded by: Councilman George Lyons
Date of Adoption: September 22, 2008

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 22nd day of September, 2008

WHEREAS, the Town Board of the Town of Goshen at a regular meeting held on January 24, 2008 adopted Local Law #1 of 2008 entitled "A Moratorium on Certain Residential Subdivision and Zoning Approvals in the Town of Goshen", and

WHEREAS, said Local Law provided that same was subject to review and renewal for up to an additional four (4) months, if necessary, by Resolution of the Town Board, and

WHEREAS, in order to comply with the analysis and procedures mandated by the State Environmental Quality Review Act and the Laws of the State of New York additional time is needed for the Town and its agents and citizenry to complete same, and

NOW, THEREFORE, BE IT RESOLVED, that Local Law #1 of 2008 and the moratorium on certain residential subdivision and zoning approvals in the Town of Goshen is hereby extended and renewed for an additional three (3) months from the end of the eight (8) consecutive month period from the effective date of Local Law #1 or, if the Comprehensive Plan and Zoning Code

review and revisions, if any, are adopted sooner, as such earlier time as the Town Board shall determine by resolution.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 5 to 0.

4. Budget Discussion: Supervisor Bloomfield said he would like to talk about some major considerations that the Board will have to think about in preparation for this budget. He stated the tentative budget has to be in the hands of the Town Clerk on September 30, 2008. He reported he had met with Councilman Canterino and Budget Officer Bill Standish to discuss risks, such as tax revenue, which comes from Mortgage Tax and Sales Tax. It is very difficult to get a read out on what amount of revenue will come from either of these in this economy. He said at this time the Town is running approximately \$40,000 less than we planned in our budget for mortgage tax, the sales tax looks on schedule. Supervisor Bloomfield said the rate of unemployment will be rising rapidly due to the layoffs of so many firms and the failures of others. He stated Governor Patterson has reported forty thousand unemployed from Wall Street and the number may be rising, and many of our residents may lose their jobs. Supervisor Bloomfield stated at this time there are twenty six foreclosures in the Town of Goshen. He reported the Justice Court seems to be holding it's own at this time, however, Grant monies will be difficult to obtain, and we won't be getting the help from the grant sources as we did in the past.

Supervisor Bloomfield said there is little we can do about the income, but we can keep expenses down. He asked each of the Councilmen to talk to the department heads to which they are assigned and crunch the numbers to possibly be able to operate next year with the same figures they operated with last year.

Councilman Canterino reported building permits have fallen, in 2005 we generated \$147,000, in 2006 \$96,000, 2007 approximately \$84,000, and in 2008 we are trending to \$48,000. He said that is approximately \$100,000 less in this time period with the building situation too.

He said next year the Board might have to cut deeper, possibly looking at services. He told the Councilmen to look over the budgets and get back to the Budget Officer no later than 10:00 a.m. on Monday.

5. TRUCK BODY BID: SHOWALTER EQUIPMENT COMPANY: Supervisor Bloomfield reported there was only one bid submitted for the truck body needed for Highway. That bidder was Showalter Equipment Company, and the bid was for \$12,000. Attorney Caplicki will prepare a Resolution awarding the bid to Showalter Equipment for Thursday's meeting.

6. SEWER LINE EXAMINATION STATUS – ARCADIA HILLS: Supervisor Bloomfield reported on the 200 foot sewer line in Arcadia Hills saying that they went in with the TV cameras

and it does not look as bad as anticipated. He said the Town Engineer, Dennis Lindsey and Joel Klopchin, water consultant, inspected the area and will report back to the Board with a plan and the cost of the repairs needed to stop the inflow of water.

7. REQUEST FOR TRAINING – JO ANN SOULES & LISA CHUTKA: Jo Ann and Lisa are requesting permission to attend the New York State Assessor Conference, for one day only September 23rd, to take the ethics course that is required by the Office of Real Property. The cost will be \$384.00 plus travel and the State will cover approximately half of the cost. Councilman Cappella made a Motion to grant permission for Jo Ann Soules and Lisa Chutka to attend the New York State Assessors Conference on September 23rd in Kerhonkson, New York at a cost of \$384.00 plus travel, of which New York State will cover approximately half of the cost. The Motion was seconded by Councilman Canterino. Motion carried unanimously.

Councilman Newbold said in regard to the unemployment, in construction they are forecasting 40 to 50% unemployment for next year. He said the State and City have already stopped their projects, it will affect Albany and that will affect our Town as well. There was an extensive discussion on the economy between the Board as well as the public that was present. Councilman Canterino said he was on a trip to Russia and about to get ready to come home when he received an email telling him that GMAC was closing all its retail corporations and exiting the retail mortgage market and when he got back he no longer had a job.

Holly O'Hern expressed serious concern that the Town of Goshen has not been enforcing the Town Code. She referred to Town Code 80B in relation to IWS Transfer System. She said she has been foiling for various pieces of information and taken back by some of the answers she has been receiving. She said as a tax payer she is very disappointed in the Town Board for not enforcing the code. She said if you calculate the amount of waste collected by Waste Management and IWS from November 2006 to the present by .05 cents per ton, add to this the \$5,000 fees for modification of this operation building, along with the \$1,000.00 licensing fee we are looking at a sizeable amount of money owed to this Town. Supervisor Bloomfield stated he believes we have not collected any money since 1983. Councilman Canterino said this Board has inherited this problem and they are working to solve it. Ms. O'Hern said these monies could help off set the current tax payer's bills.. Ms. O'Hern stated that Jerry Boss spoke at a prior meeting calling the Board's attention to the haulers in the Town of Goshen that are not licensed. She said the Town of Goshen is losing tens of thousands by allowing unlicensed carriers to operate here.

Supervisor Bloomfield stated the entire Board is looking into the law and various other ways of obtaining funds needed, and are negotiating with IWS for a host fee. He said the Board is looking into the carrier fees, but they are only \$25.00for a license and wants to examine the existing code to understand it and see if there is something not in it, that should be in it. He stated it is in negotiation and he feels the real money will be in the host fees.

Ms. O'Hern stated there was no reason to negotiate with a firm that is not licensed. She said the Town of Goshen is losing tens of thousands of dollars by allowing unlicensed waste management companies to operate in the Town. She stated the Town has not collected any fees from this waste management company since 2006 and before. As taxpayers we have to pay our bill, water bills, dog licenses, taxes, etc. Why shouldn't this company and the haulers connected with them.

She also asked about insurance and if IWS is providing proof of insurance, and how would the Town of Goshen be liable if a spill occurs. There was a very lengthy discussion on the history IWS and the tax certs that are now being addressed from the former owners, when it was the Turi Landfill.

Mr. Jerry Boss spoke saying he has talked to all the Boards through the years and this Board is still sitting and negotiating with this unlicensed business. He said at least he gives this Board credit for addressing the problem. He also agreed with everything Ms. O'Hern had stated.

Councilman Newbold stated Legislator Thomas Pahucki informed him that Tetz & Sons has applied for an IDA exemption and if the Board would like to express it's concerns, they should be submitted to that commission in the County.

Councilman Cappella made the Motion to go into Executive Session to discuss the following:

1. IWS Contract Negotiations
2. Comprehensive Plan – Potential Litigation
3. Water/Sewer Department – Personnel
4. Citizen Complaint – Violation of Code 97-51
5. #1 John Drive
6. Water Bill – Mona Harris
7. PBA – 207C Proposal Status

without intent to return. The Motion was seconded by Councilman Canterino. Motion carried unanimously

Time: 9: 15 p.m.

Valma Eisma, Town Clerk

