

**TOWN OF GOSHEN**  
**TOWN COUNCIL WORK SESSION**  
**December 6, 2010**

**M I N U T E S**

A Work Session of the Town Board of the Town of Goshen was held on the 6<sup>th</sup> day of December, 2010 at 7:30 p.m. 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	Town Attorney
	Valma Eisma	Town Clerk

Supervisor Bloomfield opened the meeting at 7:30 p.m., and Councilman Canterino led the Pledge of Allegiance.

**ITEMS DISCUSSED:**

**1. REVIEW OF INSURANCE PROPOSAL FOR 2011- DICKERSON & MEANY:** Brian and Mary Beth Meany approached the Board. They presented their proposal for the year of 2011, and answered all questions or concerns the Board had. A copy of the proposal is available to the public in the Town Clerk's Office. The Board thanked the Meanys for coming and will contact them with their decision.

**2. DISCUSS PERSOON SUBDIVISION REQUEST FOR A SIX MONTH EXTENSION PER LOCAL LAW #4 – 2009:** Michael H. Donnelly, Attorney; Jerry Fine, Engineer; and Hans Persoon came forward to address the Board. Mr. Donnelly explained that he represented the Persoon family in this application, and stated he had explained in his recent letter that the project had received Conditional Final Approval. He explained the reasons needed for the request for a six month extension such as sewer and water issues and meeting the conditions of preliminary approval. He stated that the applicant is diligently working with the Town Board, as well as finalizing outside agency permits and expects to conclude the permitting process shortly. He explained the applicant will need to be on the January 20, 2011 Planning Board agenda in order to protect their zoning exemption.

Supervisor Bloomfield referred to a letter from the Highway Superintendent in reference to the construction vehicles for the Persoon's Subdivision to traverse Winner Circle Lane to reach the project. The Superintendent stated "this type of traffic would do damage to the roadway", and he suggested they use an entrance off of Maple Avenue. It was decided it would ultimately have to be a Planning Board decision, and there was a discussion in reference to a form of financial security to cover any damage done to the existing road.

After a lengthy discussion the Board agreed to the following Resolution:

**TOWN OF GOSHEN  
RESOLUTION**

**EXTENSION OF EXEMPTION PURSUANT TO SECTION OF LOCAL LAW NO 4  
OF 2009 WITH RESPECT TO PERSOON SUBDIVISION APPLICATION  
(SECTION 17, BLOCK 1, LOTS 4, 36)**

INTRODUCED BY: Councilman Philip Canterino  
SECONDED BY: Councilman George Lyons  
DATED: December 6, 2010

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 6<sup>th</sup> day of December, 2010;

**WHEREAS**, Alida Persoon, her successors and/or assigns (hereinafter "the Applicant"), applied for a subdivision of property located within the Town of Goshen and received conditional final approval therefore for a 27lot subdivision on January 7, 2010; and

**WHEREAS**, the Applicant has petitioned the Town Board of the Town of Goshen for an extension of time to comply with the requirements of said conditional final approval; and

**WHEREAS**, the Applicant has demonstrated that it has pursued the application with due diligence;

**NOW, THEREFORE, BE IT RESOLVED**, that Persoon be granted a six (6) month extension of time to July 27, 2011 from the requirements of Section 5 of Local Law No.4 of 2009.

Upon Roll call Vote:

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

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

**3. SCOTCHTOWN WATER DISTRICT STORAGE TANK INSTALLATION UPDATE:** Supervisor Bloomfield reported he had a meeting on Friday morning with TAM Enterprises, our engineering consultant, Sean Hoffman, and Mark Warren. They said they are starting the project today and felt they should be able to finish it before the holiday. The Supervisor said the original installation was \$33,500.00. He said looking at it today there is a pipe that goes down in the well casing with a pump on the end of it., and upon looking at it today felt it was in real danger of rusting, and

falling in the well. He said Sean said to replace the part would probably cost approximately \$5,000, but replacing the parts was advisable. He ordered to be done, as after talking to the Budget Officer they felt they could manage to do it. The Supervisor asked the Board what their feelings were in reference to replacing the parts. The Board agreed it would be wise to do so.

**4. DISCUSS APPROVAL FOR COMPLETING THE ORANGE & ROCKLAND AND TIMBER TRAILS, LLC SEQRA REVIEW:** Supervisor Bloomfield asked that Attorney Caplicki address this issue. Attorney Caplicki read a letter to the Board from the Planning Board stating that they received the November 18<sup>th</sup> letter from the Town Board with it's Notice of Intent for Designation of Lead Agency pursuant to the SEQRA process for Timber Trail LLC and Orange and Rockland. The Planning Board asks that the Town Board allow them to serve as Lead agency in connection with these two applications. The letter stated: "The Planning Board believes that it is well equipped and experienced in serving as Lead Agency in type I actions, and many of the potential environmental impacts involved with such residential applications are usually related to site planning issues that are overseen by the Planning Board in the ordinary course."

Supervisor Bloomfield asked the Board's feeling about allowing the Planning Board to be Lead Agency. All agreed that the Planning Board was experienced and should be allowed to do it. Councilman Newbold made a Motion to authorize the Town of Goshen Planning Board to be the Lead Agency for doing a SEQRA Review for Orange and Rockland and Timber Trails, LLC Applications. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

**5. DISCUSS JOINING EIGHT MUNICIPALITIES TO OPPOSE ORANGE & ROCKLAND RATE INCREASE:** Supervisor Bloomfield explained he received a request from Mike Sweeton, Supervisor of the Town of Warwick asking that the Town of Goshen join him and several other Towns, a total of eight municipalities, in engaging an Attorney to oppose the rate increase proposed by Orange & Rockland. He referred to two letters, one from Daniel P. Duthie, Attorney and Councilor at Law, who represent the municipalities, and the other showing the proposed rate increases from Michael M. Grant, Manager of Public Affairs, for Orange & Rockland. He explained that Orange & Rockland is pursuing through the process to the Boards that approve these increases, which are extremely high.

Supervisor Bloomfield said Attorney Duthie's Scope of Services explains the various charges: DPD Services at \$250 per hour. Travel at ½ hourly rate. Hearings at \$325. per hour. Out- of- pocket expenses will be billed at cost. Services will be charged equally and capped at \$3,000 for each municipality. The Supervisor stated that Wallkill is not participating, and there is one other municipality also, he was not sure which one it was. He asked the Board for their input. The Board agreed the rate increase was very high. Councilman Canterino was concerned about what would happen if the case should go on, and on, would this attorney continue to represent us, and suggested the Association of Towns should be contacted to see if they are in favor of this, and join us. It was decided that Supervisor Bloomfield will contact Mr. Sweeten, and find out if he has any additional information or if he can answer some of the Board's questions. He will also contact the Association of Towns, and he will then report back to the Board at Thursday's meeting.

**6. APPROVAL OF MINUTES:** Councilman Newbold made a Motion to approve the Work Session of October 25<sup>th</sup>, the Motion was seconded by Councilman Lyons. Motion carried 5 to 0. Councilman Newbold made a Motion to approve the Regular Meeting of October 28, 2010 and the Work Session of November 8, 2010. The Motion was seconded by Councilman Lyons. The Motion was carried 4 to 0, with Councilman Canterino abstaining as he was not present at these two meetings.

**7. WALLKILL RIVER:** Supervisor Bloomfield said he attended a meeting for the Wallkill River Cleanup Group. He said this includes the Towns of Minisink, Warwick, Goshen, Wawayanda and

the County of Orange. He said the group talked about the work that was done this year, and he said they have done a good job of mowing the grass and taking the trees out, etc. He said then they addressed the new part west of the bridge, where we had asked that they obtain an application to take down some trees in the floodway. The Supervisor said when the request to do the work was submitted the Board replied it was ok to do the work, but they would require a permit, the DEC agreed. The DEC will come down and mark the trees once the permit is obtained from the Town of Goshen.

There was a brief discussion in reference to insurance and the Joint Recreation Commission, and it was decided the Board would need more information.

Privilege of the Floor:

Jerry Boss asked some questions about Town and Village arbitration, but did not approach the microphone and was inaudible.

Councilman Newbold made a Motion to adjourn the meeting and go into Executive Session to discuss:

1. Village/Town Arbitration
  2. jRettberg Mediation 12/14/2010
  3. Time Warner Cable Franchise Renewal – Response to last
  4. CSEA Negotiations Update
  5. Goshen Sports Complex
  6. Chernoff Tax Litigation

with intent not to return. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Time: 8:55 p.m.

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Valma Eisma, Town Clerk