

TOWN OF GOSHEN
TOWN COUNCIL WORK SESSION

February 25, 2008

MINUTES

A work session of the Town Council of the Town of Goshen was held on the 25th day of February, 2008 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 Councilmember
Louis Cappella Councilmember
George Lyons Councilmember
Kenneth Newbold Councilmember

Also Present: Dennis Caplicki Attorney for the Town
Susan Maysels Deputy Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:30pm.

1. Newel Miller – Input Regarding Building Code Changes

Mr. Miller distributed two documents to Council dated 06-25-2007 and 02-25-2008 detailing his suggestions. The Town Code permits "Accessory Apartments" and "Multiple Residences on a Lot". Mr. Miller said that while it is implied that these so called "mother-daughter" units are helping seniors reside with their children, there is another side to consider. Apartments for possible rental income are being created in neighborhoods that are single family dwellings. Only a building permit and certificate of occupancy are required because technically, it is just an addition or home improvement (attached or unattached) to an existing house. The Code does not preclude owners from converting these in-law apartments into rental properties, nor does it prevent owners from becoming absentee landlords. This loophole sets up an enforcement nightmare for the Town Building Inspector who will be responsible for insuring that these apartments are being occupied by relatives. In practice, it will be the neighbors who will be the primary inspectors reporting when they suspect non-relatives are living on the property. The concern with permitting multiple dwellings where they were never intended is increased traffic, disruption of traditional single-family neighborhoods, anxiety about increased crime, decline in property values, and strain on water and septic.

Mr. Miller felt that the Zoning Code language should be tightened so that single-family neighborhoods, with lots of one-acre or less, cannot be converted to multifamily or mixed use housing. Mr. Miller offered the following recommendations:

- Eliminate or revise Zoning Code section 97-94 (Accessory Apartments) to insure these are not even considered in residential neighborhoods, subdivisions, realty subdivisions or housing developments.
- Revise Zoning Code section 97-12C (Multiple Residences on a Lot) to prevent any multiple residences in all subdivisions, realty subdivisions or housing developments with lots less than 5 acres. Require specific standards in building lots greater than 5 acres.
- Revise 97 Attachment 5 (Uses Table) to require any requests for additional buildings to be reviewed by the Planning Board and/or Orange County Health Department and/or the Town Engineer, and that a Special Use Permit be required.

2. **A + L Acres – Storm Water District Proposal**
3. **Goshen Properties – Storm Water District Proposal**

Steve Esposito, representing both A + L Acres and Goshen Properties, stated that they have a petition before the Council for Drainage Districts in these subdivisions. A + L Acres is on the corner of Houston Road and 17A, consists of 101 acres and has conditional final approval for 29 single family lots, all serviced by individual wells and septic systems. The drainage design consists of a main detention basin for water treatment and storage with grass swales draining into it. Goshen Properties is a 42.5 acre, 14 single family lot subdivision along Houston Road next to the A + L Acres project. This will be serviced by individual wells and septic systems too. Both subdivisions will have a new road through them.

These subdivisions are separated by the old rail bed of the line that ran from the Village of Goshen out to Pine Island and New Jersey. Mr. Esposito noted that the Town Planning Board asked Goshen Properties, the owner of the rail bed, to consider preserving it for future use as a public hiking/biking trail. Goshen Properties suggested an easement to the Town or a straight dedication to the Town, since the rail bed is on a separate tax parcel. Supervisor Bloomfield informed Mr. Esposito that accepting property for trail use would have to be considered and approved by the Town Council. Mr. Esposito acknowledged this and stated that a letter will be sent to Council shortly, asking them to address this issue so that the project's approval process can proceed.

Returning to the Drainage Districts for the two subdivisions, Mr. Esposito explained that a district would be formed in each subdivision, and the Town will be petitioned to operate them. The drainage district structures will remain on privately owned land with access easements to the Town. All costs incurred by the Town associated with operation, maintenance, improvements, administration, insurance, etc. would be billed back to the homeowners in that district. The Developers do not intend to form a Homeowners' Association due to the small number of homes in the projects.

Councilmember Canterino expressed concern that these State & Federal mandated districts will be established all over town, and although homeowners cover all Town costs, a huge workforce may be required to maintain multiple drainage districts. It's only two districts now, but accepting responsibility for these sets precedence for the others to follow. The Town would be liable, exposing it to claims and suits. Homeowners' Associations formed to manage their drainage district should be explored to keep Town from being the middleman with deep pockets.

Supervisor Bloomfield asked Mr. Esposito to display and summarize the drainage system design. Mr. Esposito explained that unlike former systems, this one will not have a dry hole catch basin or piping throughout. Grass swales will be used and a wet pond, thereby reducing maintenance, improving efficiency and making the system an attractive element in the subdivision. This system is designed for the 100-year storm. Developers are now responsible for water quality so every bit of storm water must be filtered, treated and oxidized by four-bays and ponds. Regarding run off, the law requires that pre-existing conditions and post-construction conditions must remain the same. The life of the system is indefinite. Retention ponds are like farm ponds with specific oxygenating and filtering plant life that are meant to be left alone. Only the four-bays will need dredging to remove sediment every ten years or so. The holding pond will contain a minimum of 3 feet of water for quality purposes, and a maximum of 5-6 feet following a big storm. The pond is not fenced but will have a maximum slope of 3:1 so it is mowable. There will also be stepped "benches" aka aquatic benches with 1 foot platforms around the circumference.

Councilmember Lyons asked why ponds would not be fenced. Although it is on private property, it's designed to be an attraction; it's located in a subdivision where children of all ages will live so an unfenced pond would be a

huge liability. Mr. Esposito said that, in his view, these retention ponds are like the dozens of farm ponds in the area, none of which are fenced. Councilmember Canterino asked if the Town takes on the liability for the system if it accepts management. Mr. Esposito thought that the Town could not avoid that exposure, but deferred to the Attorney for the Town, who was not present, on this question.

Supervisor Bloomfield pointed out that most of the maintenance will be seasonal, so part-time personnel or a independent contractor could be hired to maintain the systems.

Councilmember Lyons asked for the installation costs for the whole system should it fail. Mr. Esposito estimated the cost at \$30,000 but noted that parts of the four-bays may need to be replaced, but unlike a system with pipes and tanks, this system is primarily shaped, compacted earth with some steel and concrete elements that will not fail.

Supervisor Bloomfield thanked Mr. Esposito for the presentation, and stated that Council will need to discuss its position regarding drainage districts at length in preparation for the public hearing on the subject scheduled for March 13th.

4. Easement Corrections – Healy Property

Attorney Robert Fink explained that Mr. Healy is requesting corrections to the Easement Agreements executed in 2001 and 2002 that permitted Town access to the Stonehedge water facility across the two Healy lots. The metes and bounds description of the 20' easement needs to be corrected. A second correction needs to be done on the recently signed Town release – Mr. Fink made a typographical error by listing lots 2 and 3. It should be lots 3 and 4. These corrections will bring the agreements to the point of the original intention of the parties.

Mr. Fink brought up the condition of the dead end spur in Stonehedge leading to the Healy property. This spur was originally constructed in the event that a connector road was desirable between Stonehedge and the future Pleasant Ridge Run subdivision. It terminates at the Healy driveway. It is neglected and in very poor shape so Mr. Healy would like Council permission to improve the Town road spur with cobblestones, shrubs and pillars to make it look like the entrance to his driveway. He would do so with the full understanding that he does not own the road spur or the improvements he makes upon this Town property. He further understands that his improvements may be damaged or removed by the Town as it accesses the water district facility via this route. In this event, his investment would be lost as no reimbursement or compensation would be due from the Town. In addition, Mr. Healy would accept responsibility for the ongoing maintenance of any improvements he is permitted to make. Mr. Healy requested that Council provide design criteria for improvements to the spur, so that any work he does will not interfere with the Town's use of the access road, and will not have to be redone due to some design flaw.

Supervisor Bloomfield told Mr. Healy and his attorney, Mr. Fink, that the Attorney for the Town will be instructed to review both requests (easement correction & spur improvement) and to prepare the necessary documents for Council review and action.

5. Mr. and Mrs. Delgado Letter Re: Arcadia Hills Litter and Debris at 4 Larchwood Drive

Supervisor Bloomfield explained that he received a letter from the Delgados informing him that littering is a problem in Arcadia Hills and requesting that the Town Police ticket offenders. The letter also stated: "To improve our neighborhood the Police should issue a summons to the occupants at 4 Larchwood Drive. That front lawn is full of garbage. It's a fire hazard and brings rodents. There are automobiles parked there that don't work. These autos are not used and are filled with garbage."

Supervisor Bloomfield reported that Building Inspector Halloran was asked to inspect this property, but no one answered the door bell which is located on the fence that surrounds the property. From the property line, he could see two unregistered vehicles filled with trash, blue tarps that had blown off a boat, and a dozen or so garbage cans. Mr. Halloran will pursue this complaint and if necessary consult with the Attorney to the Town regarding a citation.

6. Kyle Lindland – Water + Sewer Department

Supervisor Bloomfield announced that Mark Warren Jr. and his wife are new parents, and Mr. Warren will be off for the next two weeks, leaving the Water + Sewer Department with only one employee. To cover Mr. Warren's absence, Kyle Lindland has been hired part time. Mr. Lindland, who works for Orange County, knows the Town's systems and is willing to work for the Town weekends and off hours. A Resolution for this hire will be brought back to Council for a vote.

Items 7 and 8 will be heard after the Attorney for the Town arrives at the meeting.

9. Assessment Board of Review – Candidate Search Status

Supervisor Bloomfield reported that 7-8 applications have been received for the open position on the Town's Board of Assessment Review. He along with Councilmember Canterino and Assessor Ms. Soules will be interviewing some of the applicants, and asked any of the other Councilmembers to contact him if they were available to conduct some of the interviews.

10. Town Hall Alarm System Repair Status

Supervisor Bloomfield received a \$4,300 bid to replace the sprinkler heads and control panel and another for \$8,200 or so for the same job. A third company advised him that the problem was not the control panel and heads, since the system was operational on the 2nd floor, but that he suspects that the wiring on the 1st floor is faulty. Given this conflicting information, Supervisor Bloomfield asked Councilmember Newbold to work with him to sort it out. Councilmember Newbold express doubt that the problem rests with the wiring, because if so, there would not have been intermittent false alarms. Councilmember Newbold offered to gather information tomorrow and contact the Supervisor late in the day.

11. Town Hall Elevator, Roof & Ceiling Repair Status

Supervisor Bloomfield said that the entire elevator's electronics were destroyed by the water and the estimated cost of replacement parts is \$9,000 (plus labor). The parts have been ordered but will not be installed until the leak in the vent above it is repaired. The roof cannot even be inspected until all the snow and ice are gone. Until the elevator is operational again, Town Hall staff working on the 2nd floor will continue to go to the 1st floor to meet customers who cannot climb the long flight of steps. Councilmember Newbold said that a new rubber roof was put on Town Hall less than eight years ago. Selective Insurance has been notified of the damage and pending claim.

12. Police Department Request to Pursue NYS Law Enforcement Accreditation Program

Supervisor Bloomfield said that Chief Marsh has requested Town Council approval for the Town Police Department to apply for the New York State Law Enforcement Accreditation Program. The goal is to provide a professional department to the citizens of Goshen. The Accreditation application states: "Accreditation is a process in which officials evaluate and update an organization's policies and procedures according to commonly accepted standards and goals. The process consists of five major steps: Application, Policy Development, On-site Assessment, Council Review & Agency Recognition and Maintenance." There is no cost to the Town. Councilmember Canterino noted that the benefits of participating in the program are a possible reduction in

insurance premiums and claims due to the high standards of the PD at the conclusion of the process. It is a strenuous, detailed, prestigious program that only about 30% of NYS police departments hold.

Councilmember Lyons informed Council that PD Chief Marsh has told him in the past that the Town PD does not have enough sergeants, it should be issuing fire arms internally, and it needs a Detective on staff. Councilmember Lyons noted that the program agreement states that participating agencies are expected to implement all standards contained in the manual. Although the accreditation process costs nothing, he is concerned that the standards that have to be met may require the Town to expend funds to increase the police force, purchase fire arms, or other currently unknown expenses. He cautioned Council to review the program's standards before deciding. Supervisor Bloomfield said that he is opposed to any new officer, sergeant or detective.

Councilmember Newbold stated that he was concerned that the process would result in the creation of new "titles" in the department, which would create the expectation of an increase in pay to correspond to the new title. Councilmember Cappella expressed concern that the Accreditation would give litigious people or organizations a basis for suits should the Town refrain from or neglect to implement all the standards.

Councilmember Canterino stated that he will be meeting with Chief Marsh again and will confirm his belief that the Accreditation deals with policies and procedures such as high speed chases, safeguarding weapons, storage of evidence, rules of conduct, treatment of crime victims, etc., with no escalation of personnel or department costs. He will report back to Council at the March 10th Work Session.

Dennis Caplicki, Attorney for the Town arrived at the meeting.

13. Catholic Charities/ Early Learning Center Request

Supervisor Bloomfield read the letter he received from the Catholic Charities of Orange County, Early Learning Center. The letter from Ms. Sandra Kraich, Director, stated: "I am writing on behalf of Catholic Charities Early Learning Center located at 59 St. John Street, Goshen. We are in the process of re-licensing and for the past fourteen years we have listed the Board of Election Building as our emergency evacuation site in case of a catastrophic emergency. Since 2005 we have listed [Town Hall] as our secondary location. We are requesting permission to continue to use [Town Hall] as our secondary evacuation site. The maximum number of students involved would be 55 between the ages of 3 and 5 years." Supervisor Bloomfield remembered the opinion of the former Attorney to the Town on this matter: it presented very little liability or exposure. Attorney for the Town, Mr. Caplicki agreed, so the Supervisor will add it to the February 28th Agenda for a motion to approve.

14. New Horizons Sewage Treatment Proposal Evaluation

Supervisor Bloomfield called Council attention to the letter in their folders from Riddick Associates dated February 25, 2008 regarding New Horizons Community Septic System. Supervisor Bloomfield asked Dennis Lindsay, the Engineer for the Town, to provide an opinion of the design, ownership and operation of the proposed community sanitary wastewater collection and disposal system for this 8-lot subdivision at Phillipsburg and Hampton Roads. This 52-acre site has had various development proposals over the years, all of which have been dropped because the site soils are not suitable for individual on-site septic systems. As a result, the current Developer reduced the density to 8-lots and requested that the Town accept dedication of a community system. The Town declined in June, 2007. The Developer is requesting reconsideration of that Town decision. This item will be on the March 10th Work Session Agenda, which will give Council time to read and digest Riddick's opinion letter.

15. Federal Section 5311 Operating Assistance Application CY 2007 and 2008

Councilmember Lyons noted that the draft Third Party Agreement received from OC Dept of Planning listed only the Towns of Goshen and Chester as Dial-a-Bus operating partners. The Town of Hamptonburg is missing. He also noted that Appendix C of the Agreement sets a maximum Federal Share for 2007 of \$34,496 and for 2008, \$36,224. His understanding was that there was no maximum limit on reimbursement. It was Supervisor Bloomfield's understanding that the three Towns paid 10% of the cost and were reimbursed for the remaining 90%. He will have the Agreement examined and return it to the County to add Hamptonburg. When it is corrected, he will bring it back to Council for a vote.

7. Public Officials' Crime Bond

Attorney Caplicki stated that the purpose is to protect citizens and town funds against improper activity by employees. Currently the only named official is the Town Tax Receiver. All Town employees who handle money should be covered by this bond. NY Public Officers Law requires certain positions to file an "undertaking", or alternatively, be covered by the Town's Crime Bond. Attorney Caplicki will provide the Supervisor with a list of positions that should be added to this Crime Bond. Attorney Caplicki stated that the change should not affect the premium.

8. Workers' Compensation – Finance Approach

Councilmember Lyons explained that there were two options for monthly payments of Workers' Compensation awards. The Town could pay Comp Alliance each month, or per Comp Alliance's request, set up an escrow account that is replenished periodically. Comp Alliance would draw from this escrow account the amounts needed to satisfy existing, inherited claims, which cost a few thousand per month. Councilmember Lyons will discuss with Comp Alliance the amount to be held in the escrow account, but he estimated that \$5,000 per month would cover it. He will consult with Attorney Caplicki to prepare for the next meeting, a Resolution to establish an escrow account.

16a. Justice Department 2nd Petty Cash Fund

Supervisor Bloomfield will put this item on the Feb. 28th Agenda, and explain the rationale for it at that time.

16b. Village of Goshen Water & Sewer Rates for 2008

The Village Mayor's response to the Town's letter requesting the rates the Village will charge for 2008 was that he could not provide any rate info until after the Village election in March. Even when pressed, Supervisor Bloomfield could not get him to provide any rate information for the Town to pass on to its water/sewer district residents. Supervisor Bloomfield stated that he had to get some number from someone so public hearings could be held for the four water/sewer districts to inform them of what they can expect. Councilmember Newbold offered to call Village Trustee Susan Fast in hopes of getting at least a ballpark rate. He will also request that she meet with the Town Budget Officer, Supervisor and himself on the matter.

16c. OC Industrial Development Agency Public Hearing re: Matthews Street Properties LLC

Councilmember Lyons said that if tax abatement is being sought, he would oppose it. Council was in agreement with this statement. Supervisor Bloomfield will attend the IDA meeting March 5th at Town Hall and if any tax reduction is sought, he will protest on behalf of the Council and the residents of Goshen.

16d. JRC – Engineering Plans for Craigville Park Kitchen Expansion Using Parkland Funds

An expansion of the kitchen has been in the planning for some time according to Councilmember Lyons. The project estimate is \$14,000 to be covered by Town Parkland Funds. Although Craigville Park is owned jointly by the Town and Village, traditionally Town Parkland funds are used for capital improvements in Town parks, and Village Parkland funds used for Village area parks, according to Supervisor Bloomfield. He said that If Council is

in agreement that Town Parkland funds are appropriate for this project, the JRC will need funds first for project engineering plans. The engineering plans will be used to get bids and a building permit. A sketch of the concept along with a note regarding justification for the project has been presented in the past and would be helpful according to Supervisor Bloomfield.

Supervisor Bloomfield made a motion to authorize the Joint Recreation Commission to spend up to \$5,000 of Town Parkland funds to pay for architectural-engineering plans for the Craigville Park kitchen expansion project. Councilmember Lyons seconded the motion.

Discussion followed with Councilmember Cappella suggesting that the JRC consider expanding the covered seating area to the existing concrete area in front. Councilmember Newbold felt that further justification from the JRC is necessary before construction of the project is funded.

Motion passed: 5 Ayes Bloomfield, Canterino, Cappella, Lyons, Newbold
 0 Nays

16e. JRC – Sale and Pay-Off of Bell Jar tickets for Fund Raising

Councilmember Lyons reported that the JRC has received authorization and a NYS ID number to sell bell jar tickets and hold raffles. Deputy Town Clerk Maysels confirmed this. Councilmember Newbold informed Council that although this was a great fund raising idea, the JRC by-laws prohibit the JRC from this type of fund raising. The JRC has requested permission to pay off winning bell jar tickets directly rather than require the winner to fill out a Town voucher and wait 2-4 weeks for their \$10 or \$25 winnings. Councilmember Lyons also informed Council that the JRC has a fund raising program selling bricks for Salesian property park. Attorney Caplicki was asked to review the JRC by-laws to determine if the sale of bell jar and raffle tickets is consistent with the JRC purpose.

16f. Workers' Compensation Workshop by Comp Alliance March 12th

Councilmember Lyons announced that NYS Municipal Workers' Compensation Alliance will be holding a workshop for Orange County members on March 12th from 9am to Noon at Warwick Town Hall. The workshop will cover an overview of claims handling, review of tail claims processing, service protocols, approach to loss control, risk management strategy, tools and expectations. Councilmember Lyons, who is the Town's Commissioner of Insurance, will attend.

RETURN TO AGENDA ITEMS 2 and 3

A + L Acres and Goshen Properties – Storm Water District Proposals

Supervisor Bloomfield suggested that Council return to the discussion of Agenda items 2 and 3 above now that Attorney Caplicki had arrived at the meeting. Supervisor Bloomfield reported that the question of public safety around unfenced ponds came up. Another open question is the managing entity. Should a Homeowners' Association (HOA) be formed to operate the district or should the Town accept it as the Developer is requesting? If the Town takes it, should it be operated by a subcontractor or Town DPW? Councilmember Canterino noted that all new subdivisions by law will have these drainage districts now, so although only two are before Council at present, districts will be popping up all over Town in time. The number of Town employees to maintain them, even if seasonal, could grow to thirty or more people. He also noted that the amount of insurance necessary to shield the Town and its employees from liability concerning lots of little districts could be very substantial.

Supervisor Bloomfield felt that HOAs should be formed in each district and they in turn can hire a contractor to maintain their own drainage district, keeping the Town out of the middle of it. Attorney Caplicki stated that this would be the ideal arrangement. The Town would only be involved if and when the HOA defaulted. If the Town is

a conduit between the homeowners and a contractor, it is exposed. Councilmember Cappella thought that the long term cost of adding public employees would be a drain. Councilmember Newbold reported that he has an unfenced pond on his property that is a magnet for all visiting children, some of whom have had to be pulled out. Attorney Caplicki said that even though a HOA would carry general liability and the facilities would be on private property with only access easements to the Town, the Town with its deep pockets would be drawn into any incident.

There was general agreement among Councilmembers that the Town is not interested in taking on the operation of any drainage districts. The Town will create the districts, but not accept responsibility for operation and maintenance. Homeowners' Associations can be established for each district and the HOAs can carry the insurance, hire contractors and handle the administration.

Councilmember Canterino wondered if the creation of a drainage district was a first or last resort for a Developer. Perhaps there is an alternative, which is more costly for the Developer, but a better option for the Town and the future homeowners. Attorney Caplicki will consult with the Town's Engineer and Planning Attorney regarding alternatives. Supervisor Bloomfield will add this to the March 10th Work Session Agenda for further discussion prior to the March 13th public hearing on the matter.

17. Executive Session

Supervisor Bloomfield made a motion to go into Executive Session to discuss (a) Interstate Waste Systems negotiations update, (b) PBA negotiations update, (c) CSEA negotiations update, and (d) potential litigation due to foundation failure at 14 Meadowbrook Road, with the intent not to return to public meeting. Councilmember Lyons seconded the motion.

Motion passed:	5	Ayes	Bloomfield, Canterino, Cappella, Lyons, Newbold
	0	Nays	

Council entered Executive Session at 10:10pm
No actions were taken in Executive Session.

Respectfully submitted by:

Susan Maysels, Deputy Town Clerk