

Council Meeting  
March 13, 2008

TOWN OF GOSHEN  
**TOWN COUNCIL MEETING**  
March 13, 2008

MINUTES

A regular meeting of the Town Council of the Town of Goshen was held on the 13<sup>th</sup> day of March, 2008 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	Town Attorney
	Valma Eisma	Town Clerk

**A. CALL TO ORDER**

The meeting was called to order by Supervisor Bloomfield at 7:30 p.m., followed by the Pledge of Allegiance.

**B. AMMENDMENT TO THE AGENDA:** Supervisor Bloomfield said he would like to place PDR status as number 3 under Executive Session.

**C. PRIVILEGE OF THE FLOOR: Agenda items only.** No Response

**D. PUBLIC HEARINGS:**

**1. A & L ACRES DRAINAGE DISTRICT:**

Councilman Cappella made the Motion to open the Public Hearing for A & L Acres request for a drainage district. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Steve Esposito, Engineer and Michael Blustein, Attorney approached the Board. Mr. Esposito explained they have petitioned for the establishment of a drainage district in the Town of Goshen. He provided the Board with a map showing the improvements and the boundaries of the proposed drainage district. The proposed district is to be a part of a twenty nine lot subdivision known as A & L Acres, located on a parcel totaling 101.452 acres.

Mr. Esposito stated the property is located on the West side of Route 17A and Houston Road and is made up of two parcels. He stated the permitted density is thirty three lots and they are proposing twenty nine lots. He said they have worked for some time with the Planning Board developing this plan and everyone seems quite happy with it.

Mr. Esposito explained that part of this development requires the developer to treat and retain storm water. He said the DEC has regulations that have to be followed and the Planning Board has made sure these regulations have been followed to the letter of the law. As a result there are some detention basins and water quality basins that will need to be treated and they are asking the Town Board to form a drainage district.

Mr. Blustein stated the project has conditional final approval and one of the conditions was to apply to the Town Board for this drainage district.

Supervisor Bloomfield opened the floor to the public. Doris Bialas inquired as to how the ponds would be constructed and Mr. Esposito explained the procedure used in building and maintaining them. There was no other comment from the public.

There was a short question and answer session between the Board and the applicants as to who would be responsible for the detention basins if the Board did not form a district? Mr. Blustein stated the responsibility would fall on the owner of the property where the pond is located, in this case lot 29. Councilman Lyons asked about the depth of the pond and expressed concern about the liability to the town and felt it should be fenced.

The Board decided they would like to discuss the liability with their attorney and engineer and will render a decision after the next work session on April 7, 2008.

Councilman Newbold made a Motion to close the Public Hearing and the Motion was seconded by Councilman Canterino. Motion carried unanimously. Time 7:59 p.m.

## **2. GOSHEN PROPERTIES DRAINAGE DISTRICT**

Councilman Canterino made a Motion to open the Public Hearing on Goshen Properties Drainage District. Motion seconded by Councilman Cappella. Motion carried unanimously.

Mr. Esposito again informed the Board that this development is located just up the street from Houston Road, and from A & L Acres. It consists of two tax parcels totaling 42.5 acres and will have fourteen lots to house 14 homes with well and septic. He said as with A & L Acres, the developer is asking for the Board's approval to form a drainage district.

There was again a question and answer period between the public, the Board and Mr. Esposito. The same question of the liability to the Town was discussed and the need for

fencing, although this pond is not as deep, perhaps four feet. Also, who would be responsible if the Board does not form the district? Again it was said it would fall back on the home owner who purchases the parcel where the drainage pond is located. This project, as in the A & L Acre project, is too small for a Home Owners' Association. The Board will discuss this along with A & L Acres at the next work session with the Town Attorney and Engineer.

Councilman Newbold moved to close the Public Hearing. The Motion was seconded by Councilman Lyons. Motion carried unanimously. Time: 8:10 p.m.

**E. OLD BUSINESS:**

**1. RESOLUTION TO ESTABLISH WORKER' COMPENSATION ESCROW ACCOUNT**

**TOWN OF GOSHEN  
RESOLUTION**

INTRODUCED BY: Councilman George Lyons  
SECONDED BY: Councilman Kenneth Newbold  
DATED: March 13, 2008

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held at Town Hall on the 13<sup>th</sup> day of March, 2008.

**WHEREAS**, by previous resolution, the Town Board of the Town of Goshen has withdrawn from participation in the Orange Workers' Compensation Fund; and

**WHEREAS**, the Town Board of the Town of Goshen has retained Wright Risk Management of Uniondale, New York to process and administer its existing/tail/ongoing cases which were withdrawn from the Orange County Worker's compensation Fund; and

**WHEREAS**, in order to administer same in an efficient manner, it is necessary to establish an escrow account with a local financial institution wherein will be deposited on a regular basis a sufficient amount of monies in order to process and pay such tail claims.

**NOW, THEREFORE BE IT RESOLVED,** that the Town of Goshen does hereby authorize the Supervisor to establish an escrow account with a local financial institution with respect to the administration and payment of workers' compensation tail claims, costs and expenses; it being understood that said account shall be in the name of the Town of Goshen; will be funded by regular monthly deposits to be set and/or modified as necessary; all payments from such account to require two (2) signatures.

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.

**F. NEW BUSINESS:**

**1. RESCHEDULE MARCH 24<sup>th</sup> WORKSESSION TO FORM A COMBINED WORKSESSION AND REGULAR MEETING TO BE HELD ON MARCH 27 AT 7:00 p.m:**

Supervisor Bloomfield explained that due to the Easter holiday, three of the Councilmen will be traveling and will be unable to meet on March 24<sup>th</sup> for the work session scheduled for that day. Therefore, leaving the remaining two Board members without a quorum. Councilman Lyons made a Motion to reschedule the March 24<sup>th</sup> work session to March 27<sup>th</sup> and hold the work session prior to the Regular Meeting, by starting the meeting at 7:00 p.m. instead of 7:30 p.m. The Motion was seconded by Councilman Canterino. Motion carried unanimously. The Clerk will advertise the change.

**2. RESOLUTION; REVISE FEES FOR DRIVE WAY PERMITS, STREET OPENINGS OF TOWN HIGHWAYS, STREETS AND ROADS**

Attorney Caplicki explained the Board has the proposed text of Local Law #2 of 2008, which will increase the fees for the various drive way, street opening permits, etc. He explained that the proposed Local Law will put the fees under a separate schedule that may be modified pursuant to a resolution by the Town Board. He reviewed the rest of the text of the proposed Local Law and stated the fees have been reviewed by the various Department Heads and all have approved.

Attorney Caplicki said there is a Resolution the Board would be addressing this evening that will allow the Board to modify the security fees for street openings now. This in place, the Public Hearing can be set and then the Local Law #2 will put everything in place for the various fees. Councilman Canterino made a Motion to set the Public

Hearing for the Town of Goshen Local Law #2, of 2008, pursuant to Section 82-5 Fees and Deposits, of Chapter 82, dealing with Driveways and Street Obstructions for the Town of Goshen, for April 24, 2008 at 7:30 p.m. The Motion was seconded by Councilman Lyons. In discussion Councilman Lyons inquired about the SEQRA process and Attorney Caplicki stated the Negative Declaration will be done the same night. Supervisor Bloomfield called the vote, Motion carried unanimously.

**TOWN OF GOSHEN  
RESOLUTION**

**ESTABLISHMENT OF DEPOSIT/ BOND WITH RESPECT TO  
OPENING OF TOWN HIGHWAY, STREET OR ROAD**

INTRODUCED BY: Councilman Louis Cappella  
SECONDED BY: Councilman Kenneth Newbold  
DATED: March 13, 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 13<sup>th</sup> day of March, 2008.

**WHEREAS**, the Town of Goshen presently requires, in connection with the opening of a Town highway, street or road, certified funds to be deposited with the Town to secure the proper excavation and restoration of the excavated area, and

**WHEREAS**, it is necessary to increase the amount of certified deposits.

**NOW, THEREFORE BE IT RESOLVED**, that the amount of certified funds to be deposited with the Town of Goshen with respect to an application for the opening of a town highway, street or road be set in the amount of \$1,500., effective immediately.

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.

**G. FINANCE:** Councilman Newbold made a Motion to authorize the Supervisor to pay A/P computer Check Run Dated March 13, 2008 amounting to \$100,174.86 and Manual A/P Check Run as of March 11, 2008 amounting to \$96,900.91. The Motion was seconded by Councilman Lyons. Motion carried 5 to 0.

**H. PRIVILEGE OF THE FLOOR:** Reynell Andrews asked about the condition of the Town Hall roof after the current rain. Supervisor Bloomfield replied the elevator was repaired, as it had received a lot of water from the last storm. Since there was no ice in this storm the drains did not freeze and cause the water to back up as in the prior storm. He reported the Board had two roofing contractors inspect the roof and one will return in warmer weather to inspect the entire roof and cupola, which is in need of a lot of repair. The contractor will then give the Board an estimate for the work needed.

**G. EXECUTIVE SESSION:** Supervisor Bloomfield made a Motion to go into Executive Session to discuss Hambletonian Park potential litigation, CSEA negotiations status and PDR status, with the intent not to return. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

Time: 8:31 p.m.

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Valma Eisma, Town Clerk

