

**TOWN BOARD WORK SESSION
SEPTEMBER 10, 2007**

PRESENT:

Douglas Bloomfield	Supervisor	George Lyons	Councilman
Philip Canterino	Councilman		

ABSENT: Louis Cappella, Councilman; Kenneth Newbold, Councilman

ALSO PRESENT: Dennis Caplicki, Town Attorney

Supervisor Bloomfield called the meeting to order at 7:35 p.m.

ITEMS DISCUSSED:

1. Supervisor Bloomfield called for a moment of silence for the victims and families of 9/11. He also said arrangements have been made between the Village and the Town employees to have a moment of silence at 11:00 a.m. on Tuesday, September 11th.

2. Don Snoop – Warwick Valley Telephone, Inc.: Martin C. Rothfelder addressed the Board explaining Mr. Snoop would not be here and he represents the Warwick Valley Telephone Company and Home Town On Line. He introduced Nicholas Pascaretti, Senior Vice President of Operations and Joyce A. Stoeberl, Vice President of External Relations. He explained “Home Town On Line” is a subsidiary of the Warwick Valley Telephone Company. He explained that the Warwick Valley Telephone Company now provides telephone service to a relatively small section of Goshen. He said Warwick Valley Telephone was one of the first companies to provide video service through the phone line. He said they were here tonight to talk about a franchise to do that. He said since “Home Town On Line” uses telephone lines already authorized, there may not be a need for a franchise. However, they have a franchise with the Town of Warwick, Village of Warwick, Village of Florida, Vernon and West Milford. At this time they would like to have a franchise with Goshen to service the customers on their existing lines.

Mr. Rothfelder turned the floor over to Nicholas Pascaretti and Joyce Stoeberl. Mr. Pascaretti stated they are a small, independent phone company. He said theirs is an all digital system as opposed to Time Warner and Cable Vision. He explained they service less than 1,000 subscribers at this time and would like to offer them the combination of the telephone, internet, television, business solutions and advertising. What they are offering would use the existing phone lines, so there would be no additional lines needed. Mr. Pascaretti presented the Board with pamphlets, showing their services and a map

showing the area they are currently supplying. He explained they will be offering the same three services, phone, television, and internet, as their competitors.

Mr. Pascaretti answered the various questions the Board members asked. Mr. Rothfelder explained in 2001 and 2002 the Town of Goshen obtained a waiver from the Public Service Commission. He explained what needs to be done and offered his services to help in the process. Supervisor Bloomfield said there is no financial gain to the Town, but would cost the Town attorney fees, etc. He said the Board would expect these fees to be paid by the applicant. Mr. Rothfelder said no fees were paid to the other Towns and Villages they service, but he said they would discuss it. He also stated the Town would be gaining a competitor.

The Supervisor said he would like to discuss this with the attorney and the Board and Mr. Rothfelder will send the additional information needed to obtain the franchise to Attorney Caplicki. Mr. Pascaretti explained that there is a financial gain to the Town with a franchise, as there will be a franchise fee, which in New York is five percent.

3. Continuation of Public Hearing: Persoon Subdivision Drainage District: Attorney Caplicki reported that when the Public Hearing was held the Board had questions, and the information needed was not available, therefore the Hearing was continued to this evening. Mr. Steven Kunis approached the Board as the contractor/purchaser of the Persoon Subdivision. He said he understood the Board had questions in reference to the petitions for drainage and the conservation easement. He explained it is a sixty six acre subdivision, with 26 lots having received final approval and he came this evening to answer any questions the Board may have. He presented the Board with a map showing the subdivision which had three sections. He explained the subdivision will be done in three phases. The first phase will have five lots along Maple Avenue with an existing home which is currently the Persoon home. Phase two will have ten lots and phase three will have ten lots with a cul de sac.

The first phase requires no on site improvements except a retention pond. Councilman Canterino asked who would be maintaining the retention pond. Mr. Kunis replied this retention pond will not be operational until the entire subdivision is built out. It will then be maintained by the Homeowners Association. Councilman Canterino asked who would maintain it until then. Mr. Kunis replied there will be a gravel service road (he pointed to it on the map) and the developer and property owner will be responsible until the Homeowners Association can take care of it. Mr. Kunis and Attorney Caplicki explained the retention pond is a requirement of phase three, and will not be required if phase two and three are not finished. Councilman Lyons said what you are saying is if phase one is done and the other phases are not, these houses in phase one would not need the retention pond? Mr. Kunis replied the retention pond will still be needed, as all the drainage flows in that direction, it is the low point. This is where it will be caught and directed to the road.

After answering all the Board's questions Mr. Kunis asked that the Public Hearing be closed and he could proceed. Planning Board Attorney Golden informed the Board that

the Planning Board has approved the first phase. Councilman Canterino made a Motion to close the Public Hearing at 8:15 p.m. Councilman Lyons seconded the Motion. Motion carried 3 to 0. A Resolution will be prepared for Thursday's meeting.

4. Request to Hire Damian Reynolds for Water/Sewer Water Maintenance Worker: Mark Warren, Water/Waste Water Maintenance Mechanic and Damian Reynolds approached the Board. Supervisor Bloomfield said the Board did not have Mr. Reynolds resume in front of them, but he comes highly recommended by Joseph Klopchin, the Water/Sewer Administrator. Mr. Reynolds informed the Board he has worked for A Plus Sewer for fifteen years, having started part time when he was in high school.

Public Hearing: Houston Subdivision: Councilman Canterino made a Motion to open the Public Hearing for the Houston subdivision. Councilman Lyons seconded the Motion. Motion carried 3 to 0.

Attorney Burt Dorfman approached the Board as the attorney representing Houston Estates. He explained Houston Estates is a twenty five lot, single family home subdivision. He stated this is a back- up drainage district. He said the Homeowners Association will actually be responsible, pursuant to the proposed declaration of covenants he was presenting to the Board. He also presented a map to the Board showing the subdivision. Attorney Dorfman said this subdivision could only become the Town's responsibility if the homeowner's association fails to maintain it. He said the day the first deed is conveyed to the first homeowner the drainage district is their responsibility. Whether their home is located on the drainage district or not, everyone in the subdivision, every lot is responsible.

The Board examined the map at length and Supervisor Bloomfield said he was familiar with the area, but was not sure how the flow goes, but he knows it accumulates in a certain area. The Supervisor pointed out the area on the map that concerned him. The Board discussed the declaration at length. Attorney Golden suggested Page 14, Section 3 where it says "in that event the Municipality may make or cause to make such repair", you should have "the municipality has the right, but not the obligation, to make or cause to make such repair and charge each and every homeowner with the cost and expense of such repairs.

Supervisor Bloomfield referred to a retention pond that was put in across the road, he believed by the State, because of the tremendous amount of water that comes off that hill. He said there are drainage pipes and it is a retention pond. The Supervisor showed the Board the area he was speaking of and explained it was done with a grant from the Department of Agriculture when the former owner was alive. It was established through the exchange of information, from the Attorneys and the Board, that this retention pond is not shown on the map, or is shown as an easement on the new subdivision map. Supervisor Bloomfield asked who would be responsible for maintaining it. Attorney Golden pointed out the fact, that if the easement for the retention pond is not shown on the map, someone could purchase the property and dig it up creating a further drainage problem for everyone.

Attorney Caplicki stated that it was probably put in and not documented. Supervisor Bloomfield said he only knew about it because he worked for the former owner. Attorney Golden said it will have to be addressed by the Planning Board. Attorney Golden suggested that Mr. Dorfman have his engineer get in touch with the Town engineer and work it out. Attorney Caplicki stated this was an unusual situation, but for the fact that the Supervisor had personal knowledge of this, no one would have known about the existing drainage pipes.

Councilman Canterino made a Motion to close the Public Hearing at 8:40 p.m. The Motion was seconded by Councilman Lyons. Motion carried 3 to 0.

Supervisor Bloomfield stated the fact that the traffic study had suggested a turning lane in this area of Route 17A and this might be a good time to have land dedicated so it could be done later. There was a brief discussion about the traffic study and obtaining the land as the developments take place. This land could be given to the State so traffic problems, such as a turning lane, could be addressed at a later date, but the land would be available.

5. MYRUSKI PDR: Councilman Canterino made a Motion to set a Public Hearing for the Myruski Farm PDR for October 22, 2007 at 7:30 p.m. The Motion was seconded by Councilman Lyons. Motion carried 3 to 0.

6. TRUCK TRAFFIC ON OLD CHESTER ROAD: Supervisor Bloomfield reported he received a letter from a resident on Old Chester Road, complaining about the traffic and dust of heavy trucks hauling fill into Slate Hill Cemetery. The Supervisor said he was concerned about the traffic also, but was more concerned about where the dirt was coming from. He said it is coming from the McBride property on West Main Street. He said he and the Building Inspector went out to the cemetery and he could smell the fuel oil odor coming from the soil. He said samples of the soil were taken and the results should be forthcoming in later this week. He reported the cemetery had never approached our Planning Board to seek permission to do all of this excavating. Councilman Canterino stated the Village would not accept this fill for Salesian Park because it had toxic material in it. Supervisor Bloomfield said he would report back to the Board when the results of the soil tests are complete.

7. EMAIL; NANCY REYELT RE: MUSICON DEER FARM: Supervisor Bloomfield referred to the letter he received from Nancy Reyelt reporting a PETA report involving the Musicon Deer Farm's slaughter of their animals. The Deputy Town Clerk spoke with a Dr. Merrill from Ag & Market who will be following up and investigating this. The Supervisor said the Town really has no jurisdiction over this, so will wait for Dr. Merrill's report.

8. SHARED MUNICIPAL SERVICE INCENTIVE GRANT PROGRAM: Supervisor Bloomfield said he had received a letter, from the New York State Department of State, providing information about the availability of funding for the 2007-2008 Shared Municipal Services Incentive Grant Program. He said the State is really encouraging municipalities to consolidate or merge, to share services, such as highway services, etc.

Supervisor Bloomfield said will look into this further. Attorney Golden said he had heard that while the State is publicizing the grants, there is very little money available.

9. Supervisor Bloomfield said there was one more item he would like to discuss. He said at the May 21st meeting a Mr. Margante, an engineer, who is proposing an eight lot single-family residential subdivision on Philipsburgh Road appeared before the Board to present the plan to the Board. He proposed the construction of a community sanitary waste water collection and treatment system to serve the development. He asked that the Town assume ownership of the system when it was finished. Mr. Margante's engineer did not provide the Board with enough information at that time and what material was presented came too late for the Board to review it. At that time it was decided the Supervisor would talk to the engineers and Joseph Klopchin, consultant to our water/sewer districts, and the proposal would be addressed at a later date.

Supervisor Bloomfield said the owners of the property went to see Senator Larkin about the project and Senator Larkin contacted Supervisor Bloomfield asking if he could talk with them. Supervisor Bloomfield called and spoke to the owners. He said he told them they could build one or two homes, but they do not have the percolation to support eight homes and "you want the Town to take it over so that you can build those eight houses". The Supervisor related the Board's decision to the owners, saying the Board does not want to participate. However, the Supervisor said he would bring it back to the Board once again. After a lengthy discussion the Board still agreed they do not want to assume responsibility for the ownership of the system. Attorney Caplicki will look into it further and report back to the Board.

10. Councilman Canterino reported there seems to be a question of which jurisdiction's Building Inspector should be inspecting Salesian Park. He said Trustee Cione called him saying she called the Supervisor of Building Inspectors, at the State level, and was told our inspector is responsible for the park, even though it is on Village property. The Attorneys discussed it with the Board, but no one knows why the Town Inspector should be responsible. It will be taken up with the Building Inspector before the Board makes a decision. The Supervisor also asked Councilman Canterino to contact Trustee Cione and have her convey her request in written form to the Board.

11. Supervisor Bloomfield reported he had a call from Mike Tirelli, of Orange County Partnerships, asking the Supervisor and a representative of R. J. Smith Realty to meet with him in reference to a warehouse distribution center proposal by Tetz, LLC. in the Town of Wallkill. Supervisor Bloomfield said he suggested they put the proposal in writing and it would be placed before the Board. However, Mr. Tirelli said the Partnership's protocol is to present these proposals to the Supervisor first. Supervisor Bloomfield said he made an appointment for them to come in on Friday, at 10:00 a.m. and on Monday the 24th he would place them on the agenda for the work session to enable them to speak to the Board.

12. Supervisor Bloomfield reported all the meters are in at Scotchtown Park Water District except for three. One is a home that is not lived in as it is semi condemned. The

second belongs to a veteran and there seems to be a conflict here. The third is a home with a desperately ill person residing in it. He said the water department would like to take a reading on Friday, the 14th, on the meters that are installed and the billing would be in August and half of September would be the base rate. Then half of September and in October they would be billed at the metered rate. The question is what to do about the three that are not metered. The Supervisor's secretary will call the three parties concerned and explain it would be advantageous for them to be metered as opposed to be paying a much higher rate that will be used if they do not have the meter.

Councilman Lyons made a Motion to go into Executive Session, with no intent to return, to discuss potential litigation, zoning & coding review, Humane Society, SRO and the proposed conservation easement for the Brookfield Farm. The Motion was seconded by Councilman Canterino. Motion carried 3 to 0.

Time: 9:30 p.m.

Valma Eisma, Town Clerk