

**TOWN OF GOSHEN
TOWN BOARD MEETING
January 12, 2006**

The Regular Meeting of the Town Board of the Town of Goshen was held on the 12th day of January, 2006 at 7:30 pm in the 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: John Cappello, Attorney
Rick Golden, Attorney
Members of the Board of the Village of Florida: Mayor Pawliczek,
Trustees Chevrier and Pierce and Village Clerk, Gloria McAndrews.

A. Call to Order

Supervisor Bloomfield called the regular meeting of the Town Board of the Town of Goshen to order at 7:33 pm. Trustee Pierce led the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

C. PRIVILEGE OF THE FLOOR (Agenda items only) - No response

D. PUBLIC HEARING

Petition for Annexation - Village of Florida

Supervisor Bloomfield read the Notice of Hearing as it appeared in the Independent Republican. Mr. Golden then explained that this hearing is required under general municipal law. A Joint Public Hearing of both municipalities is required for a proposed annexation. The property in question is located in the Town of Goshen and it is proposed that it be annexed into the Village of Florida.

The purpose of this hearing is to receive input from the public - no decision will be made this evening. The boards need to act on two issues. They need to decide if the petition was filed in accordance with the law and secondly, establish if the proposed action is in the overall interest of the public. Within 90 days the two boards are required to meet separately to accept or reject the petition. Mr. Golden stated that a similar proposal was reviewed last year and was rejected.

Mr. Alan Lipman, attorney for the petitioners, explained that the petition was reviewed in October and they have revised the petition. The Town rejected the original petition for the following reasons: 1) the documents were not completed correctly, and 2) it appeared that some of the properties would be isolated. The documents have been reviewed and completed properly and property owned by Mr. & Mrs. Randall (parcel #2 on the map) has been added to the original parcel to address the isolation concern. The Werner family owns properties shown as 3,4 & 5 and they do not wish to join in this annexation process. There was also a question of the fiscal impact on the loss of tax revenue to the Town. Mr. Lipman stated that the applicant is willing to state, in writing, that under no circumstances will there be more than the 105 units that are allowed in the Goshen Zoning Code therefore, the density would not be increased.

The applicant is proposing to develop a Planned Adult Community, which is allowed in the Village of Florida, and they will comply with all the requirements of the code and if they find that more units are allowed, they still will not construct more than 105. The developer is also prepared to pay \$1,000 for each unit that is built at the time of the issuance of the CO. No CO can be obtained from the Village until that payment is made to the Town.

The Boards need to address the issue of overall public interest. Ms. Jane Samuelson of Engineering Properties stated the following in response to that topic:

- 1) The development will use water from the Village water system. No wells will need to be drilled, which could draw down from the Towns aquifers.
- 2) The two existing municipal sewer systems will be connected.
- 3) Only the number of units allowed under the Town's zoning will be allowed - 105 units.

She also noted that the applicant is proposing a PAC, which would result in the following:

- 1) Approximately 40% less traffic and at different peak times than the general population.
- 2) Demographic studies show that this group has more disposable income.
- 3) Municipal services would be more readily available, i.e., water, sewer and access to police services.
- 4) They will still pay school taxes, but will not be sending any children to the schools. State law allows no one under the age of 18 to reside in a PAC.

VOTE By Proper MOTION, made by Councilman Newbold, seconded by Councilman Lyons, the Town Board of the Town of Goshen hereby opens the hearing in regard to the annexation petition with the Village of Florida to the public. Passed unanimously.

Mr. Glen Meres asked if the proposed property was not developed as an adult community where would it be located. Supervisor Bloomfield responded that it would still be located in the Village if the annexation goes forward. Mr. Reynell Andrews asked what the financial impact would be on the Town. These numbers are not available at this time. Mr. Andrews asked when the numbers would be available. Mr. Lipman noted that the figures were discussed over a year ago. Mr. Cappella recalled that he did discuss the tax loss with the Town Budget Officer last year, but he does not remember the exact amount. Mr. Andrews stressed that the Town should examine this financial impact very closely. Supervisor Bloomfield noted that this contribution of \$105,000 from the applicant was in response to that discussion last year. Councilman Canterino noted that we would still receive some tax revenue from that parcel. There were no further comments from the public.

VOTE By Proper MOTION, made by Councilman Newbold, seconded by Councilman Lyons, the Town Board of the Town of Goshen hereby closes the Public Hearing in regard to the annexation of properties to the Village of Florida. Passed unanimously.

VOTE By Proper MOTION, made by Councilman Lyons, seconded by Councilman Newbold, the Town Board of the Town of Goshen hereby enters into Executive Session to discuss matters of potential litigation with intent to return. Passed unanimously.

EXECUTIVE SESSION - 8:30 PM
RECONVENE REGULAR MEETING - 8:55 pm

B. OLD BUSINESS

1. Reappointments to Land Use Boards

Susan Cleaver to Planning Board

TOWN OF GOSHEN
County of Orange, State of New York
RESOLUTION

AUTHORIZING RE-APPOINTMENT OF
SUSAN CLEAVER
TO THE PLANNING BOARD

Introduced by: Councilman Newbold
Seconded by: Councilman Canterino
Date of Adoption: January 12, 2006

WHEREAS, the Town Board wishes to re-appoint Susan Cleaver to the Planning Board to serve a term ending on January 1, 2011.

NOW, THEREFORE, BE IT RESOLVED

That the Town Board re-appoints Susan Cleaver to the Planning Board to serve a term ending on January 1, 2011.

Upon Roll Call Vote:

Supervisor Bloomfield	Aye	Councilperson Newbold	Aye
Councilperson Lyons	Aye	Councilperson Canterino	Aye
Councilperson Cappella	Aye		

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

Priscilla Gersbeck to ZBA

**TOWN OF GOSHEN
County of Orange, State of New York**

RESOLUTION

***AUTHORIZING RE-APPOINTMENT OF
PRISCILLA GERSBECK
TO THE ZONING BOARD OF APPEALS***

Introduced by: Councilman Canterino
Seconded by: Councilman Newbold
Date of Adoption: January 12, 2006

WHEREAS, the Town Board wishes to re-appoint Priscilla Gersbeck to the Zoning Board of Appeals to serve a term ending on January 1, 2011.

NOW, THEREFORE, BE IT RESOLVED

That the Town Board re-appoints Priscilla Gersbeck to the Zoning Board of Appeals to serve a

term ending on January 1, 2011.

Upon Roll Call Vote:

Supervisor Bloomfield	Aye	Councilperson Newbold	Aye
Councilperson Lyons	Aye	Councilperson Canterino	Aye
Councilperson Cappella	Aye		

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

Wallace Gantter to ERB

**TOWN OF GOSHEN
County of Orange, State of New York**

RESOLUTION

***AUTHORIZING RE-APPOINTMENT OF
WALLACE GANTTER
TO THE ENVIRONMENTAL REVIEW BOARD***

Introduced by:	<u>Councilman Newbold</u>
Seconded by:	<u>Councilman Canterino</u>
Date of Adoption:	<u>January 12, 2006</u>

WHEREAS, the Town Board wishes to re-appoint Wallace Gantter to the Environmental Review Board to serve a term ending on January 1, 2008.

NOW, THEREFORE, BE IT RESOLVED

That the Town Board re-appoints Wallace Gantter to the Environmental Review Board to serve a term ending on January 1, 2008.

Upon Roll Call Vote:

Supervisor Bloomfield	Aye	Councilperson Newbold	Aye
Councilperson Lyons	Aye	Councilperson Canterino	Aye
Councilperson Cappella	Aye		

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

Dave Gawronski to ERB

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION

***AUTHORIZING RE-APPOINTMENT OF
DAVE GAWRONSKI
TO THE ENVIRONMENTAL REVIEW BOARD***

Introduced by: Councilman Canterino
Seconded by: Councilman Newbold
Date of Adoption: January 12, 2006

WHEREAS, the Town Board wishes to re-appoint Dave Gawronski to the Environmental Review Board to serve a term ending on January 1, 2008.

NOW, THEREFORE, BE IT RESOLVED

That the Town Board re-appoints Dave Gawronski to the Environmental Review Board to serve a term ending on January 1, 2008.

Upon Roll Call Vote:

Supervisor Bloomfield	Aye	Councilperson Newbold	Aye
Councilperson Lyons	Aye	Councilperson Canterino	Aye
Councilperson Cappella	Aye		

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

2. Appointments to ERB

Appoint Carol Laskos to Environmental Review Board.

TOWN OF GOSHEN
County of Orange, State of New York
RESOLUTION

***AUTHORIZING APPOINTMENT OF
CAROL A. LASKOS
TO THE ENVIRONMENTAL REVIEW BOARD***

Introduced by: Councilman Newbold
Seconded by: Councilman Cappella
Date of Adoption: January 12, 2006

WHEREAS, the Town Board wishes to appoint Carol A. Laskos to the Environmental Review Board to serve a term ending on January 1, 2008.

NOW, THEREFORE, BE IT RESOLVED

That the Town Board appoints Carol A. Laskos to the Environmental Review Board to serve a term ending on January 1, 2008.

Upon Roll Call Vote:

Supervisor Bloomfield	Aye	Councilperson Newbold	Aye
Councilperson Lyons	Aye	Councilperson Canterino	Aye
Councilperson Cappella	Aye		

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

Appoint John Swift to Environmental Review Board

**TOWN OF GOSHEN
County of Orange, State of New York**

RESOLUTION

***AUTHORIZING APPOINTMENT OF
JOHN SWIFT
TO THE ENVIRONMENTAL REVIEW BOARD***

Introduced by: Councilman Newbold
Seconded by: Councilman Lyons
Date of Adoption: January 12, 2006

WHEREAS, the Town Board wishes to appoint John Swift to the Environmental Review Board to serve a term ending on January 1, 2008.

NOW, THEREFORE, BE IT RESOLVED

That the Town Board appoints John Swift to the Environmental Review Board to serve a term ending on January 1, 2008.

Upon Roll Call Vote:

Supervisor Bloomfield	Aye	Councilperson Newbold	Aye
Councilperson Lyons	Aye	Councilperson Canterino	Aye
Councilperson Cappella	Aye		

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

Mr. Cappello advised the Board that once the ERB has a full complement of members, they will need to co-ordinate so that the expiration dates are staggered.

Councilman Newbold commended all the members of the various boards for their valuable service to the community. They put in long hours to assist the Town in implementing the Master Plan and Zoning Code. Supervisor Bloomfield also expressed his appreciation for the service these people perform.

F. NEW BUSINESS

Highway Department - Authorizing Purchase of Hydraulic Lift

Councilman Cappella explained that the lift at the Highway Garage can no longer be repaired and has become a safety problem. There is a line on the budget for a new lift at \$45,000. The concrete pad also needs to be repaired and resurfaced. The employees of the department will do this work which will bring the purchase of the new equipment in approximately \$5,000 under budget. Supervisor Bloomfield emphasized that staying under budget is what this administration is looking for and he appreciates that the department will do some of the work.

**TOWN OF GOSHEN
County of Orange, State of New York**

RESOLUTION

***APPROVING REQUEST TO PURCHASE
HYDRAULIC LIFT FOR THE
TOWN HIGHWAY DEPARTMENT***

Introduced by:	<u>Councilman Cappella</u>
Seconded by:	<u>Councilman Lyons</u>
Date of Adoption:	<u>January 12, 2006</u>

WHEREAS, the Town Highway Department has requested to purchase a hydraulic lift; and

WHEREAS, pursuant to New York State Bid, Mohawk Resources, Ltd., in Amsterdam, New York, has offered 1 TP-30, 30,000 lb. Capacity Twin Post Lift in the amount of \$32,518.95.

WHEREAS, the Town Board of the Town of Goshen determines it would be in its best interest of the Town Highway Department to purchase the hydraulic lift; and

NOW, THEREFORE, BE IT RESOLVED

That the Town Board authorizes the Town Highway Department to purchase the 1 TP-30, 30,000 lb. Capacity Twin Post Lift in an amount not to exceed \$32,518.95 and further authorizes Stephen Andryshak, the Town Highway Superintendent to execute any documents necessary to effectuate this purchase.

Upon Roll Call Vote:

Supervisor Bloomfield	Aye	Councilperson Newbold	Aye
Councilperson Lyons	Aye	Councilperson Canterino	Aye
Councilperson Cappella	Aye		

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

Police Department Maintenance Agreement for Generator

Councilman Lyons stated that the generator supplies power for gas pumps for the Police Station and the DPW when there is a power outage. This generator has been a problem for quite some time. It is finally running well and the Police Chief would like to set up a maintenance agreement with the company (Cummins Metropower, Inc.) that was instrumental in the repair work. There is a line in the budget for this contract. Supervisor Bloomfield noted that it will be charged against the Police budget line for 2006 and the cost will be split with the DPW in subsequent years. The split will be 2/3 Highway – 1/3 Police, as is done now with the utility company.

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION

***AUTHORIZING CUMMINS METROPOWER, INC., TO
PROVIDE SERVICE ON EQUIPMENT USED BY
THE HIGHWAY AND POLICE DEPARTMENTS***

Introduced by: Councilman Lyons
Seconded by: Councilman Newbold
Date of Adoption: January 12, 2006

WHEREAS, the Town of Goshen pursuant to its procurement policy has solicited quotes for service contract to service a generator used by the Highway, Police and Fire Departments at times of emergency; and

WHEREAS, the Town of Goshen deems it in the best interest of the Town to have a 24 hr. per day service contract for that generator; and

NOW, THEREFORE, BE IT RESOLVED

That the Town Board approves the 1-year service contract with Cummins Metropower, Inc., at an amount not to exceed an amount of \$1,550.00 for the planned maintenance of the generators used by the Town Highway and Police Departments.

Upon Roll Call Vote:

Supervisor Bloomfield	Aye	Councilman Newbold	Aye
Councilperson Lyons	Aye	Councilperson Canterino	Aye
Councilperson Cappella	Aye		

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

Police Department Authorize Police Chief to Hire Permanent Police Officer

TOWN OF GOSHEN
County of Orange, State of New York
RESOLUTION
AUTHORIZING CREATION OF NEW POSITION
FOR ADDITIONAL FULL TIME POLICE OFFICER

Introduced by: Councilman Lyons
Seconded by: Councilman Newbold
Date of Adoption:

WHEREAS, Police Chief Marsh has advised the Town of the need for one additional full time officer to ensure that all shifts are filled for police protection within the Town; and

WHEREAS, the Town after consultation with the Police Chief deems it in the best interest of the Town of Goshen to create such position.

NOW, THEREFORE, BE IT RESOLVED

That the Town Board herein creates a position for an additional full time police officer in the Town of Goshen with said position commencing February, 2006.

DISCUSSION:

Councilman Lyons explained that Chief Marsh met with the Board at work session on Monday to discuss issues of staffing. There are currently 7 officers on the line. The members available for part time work is dwindling and he feels the need for one more full time officer. There is a line in the budget for this officer. Councilman Lyons stated that he has worked with the Chief on this matter and he has weighed the health, safety and welfare of the community against the cost factor. He would rather err on the side of health, safety and welfare and therefore supports this new hire.

Councilman Canterino stated that during work session the Chief was asked if this was an urgent matter. Chief Marsh stated that he wanted to have the new officer in the police academy in a timely manner. The new class starts February 6. Councilman Canterino stated that the Board is doing an over all financial review, which could be completed in approximately 90 days. He feels there will not be a detriment to coverage if they wait for 90 days. He noted that the study may show that they do not need full time coverage.

Supervisor Bloomfield also stated that he feels that this will not have a negative impact on public safety, if they wait. He also emphasized the need to review the finances in order to establish the multi year budget for the next five years. He has asked Councilman Canterino to head this study.

Councilman Newbold stated that when he left the work session Monday night he felt that everyone was behind this resolution. He is amazed at this change in direction. He feels we are a growing community with increasing need for protection. Councilman Cappella stated that during the budget discussions last year he felt that they did not need more police officers, however after Monday's meeting he also thought they were going forward with this hire. Councilman Canterino stated that he did not feel this way and he was not in favor of this hire until he has had a chance to review the finances. Supervisor Bloomfield thought that they had only agreed to put the item on the agenda. He is in favor of postponing action until more information is received. Councilman Canterino emphasized that the issue is financial, not one of safety and he also felt that it was only going to be on the agenda for discussion.

Councilman Lyons stated that he had a length meeting with the Chief. After the Chief and the Board discussed the part-time vs. full-time issue, he also felt they were going forth with a full-time hire. He noted that the academy class starts on February 6, which makes timing important. Councilman Lyons also explained how the Chief has struggled with the scheduling of part-time officers. He understands that a full-time officer will cost more, but we are a 24/7 department. That is the mandate the people have given us. There will always be part-time officers, but the core hours have to be filled with full-time people. He also felt that the department had a commitment from this Board after Monday's meeting.

The members of the Board were polled regarding the questioning of hiring a full-time police officer now or at some time in the future.

Councilman Cappella	Postpone for 90 days
Councilman Newbold	Hire now
Supervisor Bloomfield	Postpone for 90 days
Councilman Lyons	Hire now
Councilman Canterino	Postpone for 90 days

Upon Roll Call Vote:

Supervisor Bloomfield	Nay	Councilman Newbold	Aye
Councilperson Lyons	Aye	Councilperson Canterino	Nay
Councilperson Cappella	Nay		

Vote: Resolution defeated by a vote of 3 to 2.

G. FINANCE

VOTE By Proper MOTION, made by Supervisor Bloomfield, seconded by Councilman Lyons, the Town Board of the Town of Goshen hereby authorizes the Supervisor to pay voucher 2005-3267 to Voucher #2005-3418 amounting to \$114,426.55 and Voucher #2005-3422 to Voucher #2005-3437 amounting to \$459,117.45.

H. PRIVILEGE OF THE FLOOR

Orange County Legislator Frank Fornario offered his congratulations to the new members on the Board. He stated that he will work in the County legislature for the best interests of the Town of Goshen. A copy of the schedule of legislative committee meetings will be forwarded soon. Legislator Fornario is Chair of the Physical Services Committee and is serving on the Health and Ways and Means Committees. He stressed that it is important to keep the lines of communication open. He is planning to work for the re-establishment of the parklands grand program.

Report on Joint Recreation Committee – Councilman Canterino mentioned several issues of concern from the Jt. Rec. Committee – 1) The need for restrooms at Salesian Park; 2) fill is needed at Lions Park; 3) the need for a credit card for the department to facilitate their numerous miscellaneous purchases; 4) dugouts at Craigville Park and 5) installation of guard rails on Craigville Rd. The County has addressed the last item and they do not feel the need for guard rails at this time..

Tetz Article 78 Proceedings – Supervisor Bloomfield noted that in executive session they have discussed the Tetz issue. He noted that there is a ground swell of people who are concerned about the Tetz Asphalt Plant and they have retained legal counsel. The Board wishes to represent the People of the Town and their quality of life and they will be looking into what they can do to participate in these proceedings. The Town's Attorney is reviewing the possibilities and the Supervisor of the Town of Wallkill has been notified of the Board's interest.

Supervisor Bloomfield also noted that he feels the meeting tonight was invigorating and these types of debates bring out the best in everyone. He commended the board for their participation.

Ms. Kay Myruski asked if it is possible for a part time police officer to move up to full time. Supervisor Bloomfield commented that that is not the procedure. Councilman Newbold noted that normally the part-time officers work another full time job and they have to take the civil service tests. Ms. Myruski commented that if we allow another full time officer this year, and then another in the next

year, it will just increase the taxes. Supervisor Bloomfield noted that that is why they want to study the proposal.

Councilman Lyons also noted that if there had been someone who could move up from part time, the Chief would have taken that person into consideration. He further stated that it is difficult to hire a fully certified officer due to the pay discrepancies between Goshen and other jurisdictions. He also explained that the Chief has to hire off the civil service list.

Mr. Glen Meres told the members that he appreciates the fact that they are looking into the Tetz situation. He noted that the Town has worked hard on the Comprehensive Plan and Zoning Code and this plant will be right on our borders. The noise and traffic will have a great impact on the community. Many residents do not realize how close they are to the proposed plant. He also noted that the Hospital should have been more vocal as they are planning their new facility across E. Main St. from the proposed plant.

Highway Department - Councilman Newbold expressed appreciation to the Highway Department employees. They were very responsive during the New Years Eve snowstorm and the men have also been working long hours repairing the two water main breaks in Hambletonian Park. They are great employees and he thanks them very much.

EXECUTIVE SESSION:

VOTE Upon Proper MOTION, made by Councilman Newbold, seconded by Councilman Lyons, the meeting entered into Executive Session for the purposes of discussing personnel and pending litigation with no intention to return. Passed unanimously.

Linda P. Doolittle
Deputy Town Clerk