

The Regular Meeting of the Town Board of the Town of Goshen was held on the 9th of February, 2006 at 7:30 p.m. 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
George Lyons	Councilman
Kenneth Newbold	Councilman

Absent: Louis Cappella, Councilman

Also Present: Howard Protter, Town Attorney

A. CALL TO ORDER

Supervisor Bloomfield called the meeting to order at 7:33 p.m. and Jerry Boss led the Pledge of Allegiance.

B. AMMENDMENT TO THE AGENDA: None

C. PRIVILAGE OF THE FLOOR (agenda items only): No response

D. OLD BUSINESS

1. Resolution: Annexation Petition – Village of Florida

Supervisor Bloomfield read the following resolution.

Councilman Newbold made a Motion to accept the Annexation of Certain Lands for discussion. The Motion was seconded for discussion by Councilman Canterino. Councilman Lyons asked if Supervisor Bloomfield would speak on the loss of revenue. Supervisor Bloomfield stated he did not have the tax figures before him, but this property remains in the Town of Goshen, therefore even when annexed will still have to pay Goshen Town Taxes. The taxes they will not pay are Highway and Police since the Town will not be providing these services. The \$105,000.00 will help to compensate for these missing taxes.

0

Councilman Lyons stated he was not happy about the fact the Village of Florida would not agree to the point that it should be a planned adult community and it is now just residential. He stated he also was not pleased with the EIS as it did not speak to their building a planned adult community. For these reasons he said he would vote against the annexation.

Councilman Canterino stated this is our resolution and in it we are trying to protect the Florida School District, which I understand. However, there is a problem here because we have that in our resolution, you also have it that it can only be used for residential use. So if they don't put in the planned adult community, which most of us wanted initially and they do build residentially, it will certainly impact the Florida schools. Upon reading the resolution now Councilman Canterino said he felt it should not be restricted to a residential community. He said it is not our job to protect the Florida School District. He said he feels this should be addressed and adjusted.

Councilman Newbold stated the Board had rejected this proposal when it was proposed last year and they immediately filed a Section 78 against us, which our attorney advised us we would probably lose. He said he felt this contract was unique in two ways. One thing is that the Village of Florida is willing to pay us \$105,000.00, according to our legal advisors, this is almost unheard of. Secondly the fact that we even requested that residential was put in, our attorney said that is a unique situation. Councilman Newbold stated he could not see how the Board could do any better. However, with the Board still having forty five days left to decide, if the Councilmen wanted to address it further he had no objection.

Councilman Canterino asked to move the Motion.

Supervisor Bloomfield asked for a Roll Call vote:

Supervisor Bloomfield	AYE	Councilman Lyons	NAY
Councilman Canterino	NAY	Councilman Newbold	AYE

Vote: 2 to 2 Motion defeated

E. NEW BUSINESS

1. Resolution: Authorizing Transfer of Operation Control of the Scotchtown Park Water Supply.

Attorney Protter and Supervisor Bloomfield gave a history of the problems in Scotchtown Park and the fact that the Orange County Health Department had asked last year for the Town to take over the water district. The Town's engineers prepared a detailed capital improvement plan that would bring the system up to proper public standards. At that

time the residents asked that the Town not take over the district and instead hoped to form a Homeowner's Association to address their problems. Now the Town has again been asked to assume responsibility for the water district. Therefore, a public hearing will be held on February 23rd.

In the Matter
Of

**ORDER SETTING
PUBLIC HEARING**

The Establishment of a Water District in the Town of
Goshen, Orange County, New York, pursuant to Article
12-A of the Town Law.

WHEREAS, a map, plan and report have been prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Goshen, relating to the establishment of a proposed water district in said Town; and

WHEREAS, such map, plan and report have been duly filed in the Town Clerk's Office in said Town; and

WHEREAS, said map and plan and report were prepared by Dufresne – Henry Engineers and Landscape Architects, P>C>, an engineering firm duly licensed by the State of New York, showing the boundaries of the proposed district and a general plan of the said system and a report of the proposed method of operation; and

WHEREAS, said map shows all existing facilities together with the location and general description of all public works, including lands and easements to be acquired; and

WHEREAS, the boundaries of the proposed district are particularly described on the attached Schedule "A;" and

WHEREAS, the improvements proposed are described in the map, plan and report at Section 4 on file in the Town Clerk's office, generally including well maintenance, water storage modernization, water treatment facility upgrades and distribution system upgrades for fire service, meters and cross-connection prevention; and

WHEREAS, the estimated maximum cost for such capital improvements to be implemented over time is described in the said Map, Plan and Report at Section 5; and

WHEREAS, the customers are already connected to the distribution system, resulting in no impact to customers for connection fees; and

WHEREAS, the average annual cost for operation and maintenance is specified to be \$720. per customer

WHEREAS, said Map, Plan and Report are on file in the Town Clerk's office for public inspection.

NOW THEREFORE, IT IS ORDERED, that the Town Board of the said Town of Goshen shall meet and hold a public hearing at the Town Hall, 41 Webster Avenue, Goshen, New York, on February 23, 2006, at 7:30 o'clock in the evening 9of that day to consider said Map, Plan and Report and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Dated: February 9, 2006

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF GOSHEN

SCHEDULE "A"

The proposed water district boundary is indicated on a filed Orange County Subdivision map numbers 1868 (filed May 23, 1960) and 2640 (filed April 29, 1971) in the Orange County Clerk's office, Goshen, New York.

The boundaries are also specified in Section 3 of the final Map, Plan and Report, dated January 2005, on file in the Town Clerk's Office.

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION
APPROVING ORDER SETTING PUBLIC HEARING
FOR FORMATION OF
SCOTCHTOWN PARK WATER DISTRICT

Introduced by: Councilman George Lyons
Seconded by: Councilman Kenneth Newbold
Date of Adoption: February 9, 2006

WHEREAS the Town Board of the Town of Goshen has determined that there should be a public hearing on the Map, Plan and Report for the proposed Scotchtown Park Water District, dated January, 2005;

NOW, THEREFORE, BE IT RESOLVED that Order Setting Public Hearing for the formation of the proposed water district is approved, and the Town Clerk will publish and post the said Order as provided by law.

Upon Roll Call Vote:

Supervisor Bloomfield	AYE	Councilman Newbold	AYE
Councilman Lyons	AYE	Councilman Canterino	AYE
Councilman Cappella	ABSENT		

Vote: Resolution carried by a vote of 4 to 0.

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION
AUTHORIZING TRANSFER OF OPERATIONAL CONTROL
OF THE SCOTCHTOWN PARK WATER SUPPLY TO THE
TOWN OF GOSHEN WATER/SEWER DEPARTMENT

Introduced by: Councilman Kenneth Newbold
Seconded by: Councilman Philip Canterino
Date of Adoption: February 9, 2006

WHEREAS, the Scotchtown Park private water supply owned by Airmont Construction Corporation is under contract to be transferred to the Town of Goshen for use as a public water supply; and

WHEREAS, the Town board determines that the water system is not operating at optimal efficiency and the public health, safety and welfare requires the immediate intervention of the Town of Goshen Water/Sewer Department in the operation thereof pending formation of the water district and closing of title on the water system assets.

NOW, THEREFORE BE IT RESOLVED that the Town supervisor is authorized to take such steps as are required to take control of the operation of the Scotchtown Park water system pending the transfer of assets to the district to be formed, effective Friday, February 17, 2006 at 12:00 p.m., subject to Airmont Construction Corporation's continuing obligations of ownership thereof until the transfer of assets to the Town is effectuated., and any expense lawfully incurred by the Town of Goshen in the operation of the water system prior to the transfer of assets to the Town shall become the obligation of the water district to be formed.

Upon roll Call Vote:

Supervisor Bloomfield	AYE	Councilman Newbold	AYE
Councilman Lyons	AYE	Councilman Canterino	AYE
Councilman Cappella	ABSENT		

Vote: Resolution carried by a vote of 4 to 0.

2. Resolution: Proposal By Village to assume Building Inspection of New Sewer Plant

Supervisor Bloomfield explained to the public the Village has to build a new sewer plant. The cost of the new facility will be approximately twenty five million dollars. Since it will be built in the Town of Goshen the building permit would amount to \$20,000.00 and the Town would do the inspection on the facility. The Village is saying they have their own building department and can do their own inspections. The Board feels this is fine as long as the Village assumes all liability moving forward. Supervisor Bloomfield read the Resolution to the public.

Councilman Canterino made a Motion to accept the Resolution for discussion. The Motion was seconded by Councilman Lyons. Councilman Lyons stated he would like to amend the Motion striking the section that says “the Supervisor is hereby authorized to execute such agreement”. He said he would like time to read the agreement and know it was agreeable to the whole Board before it was signed. After a lengthy discussion the Board agreed to amend the resolution and pass it since the Village seems to be under a time constraint. Since the Board is holding a Special Meeting on Tuesday, February 14th, the Board will review the Inter-Municipal Agreement at that time and vote on it then. The amended Resolution will read as follows:

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION
AUTHORIZING ATTORNEY TO DRAFT
INTER-MUNICIPAL AGREEMENT

Introduced by: Councilman Philip Canterino
Seconded by: Councilman George Lyons
Date of Adoption: February 9, 2006

WHEREAS, the Town of Goshen Town Board has reviewed a request from the Village of Goshen to discuss entering into an Inter-Municipal Agreement to allow the Village of Goshen Building Department to inspect, review and issue Certificates of Occupancies for the proposed Village of Goshen Sewage Treatment Plant located within the Town of Goshen; and

WHEREAS, in the spirit of cooperation and to encourage the avoidance of duplicate costs to Village and Town taxpayers, the Town expresses its intent to consider such an arrangement; and

WHEREAS, THE town Board has determined it is in their best interest that the Town Attorney work with the Village Attorney to prepare an agreement for each respective Board's consideration setting the standards for such review.

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Goshen hereby authorizes the Town Attorney to work with the Village Attorney to prepare an agreement, for the Board's consideration, that will provide that the Village Building Department and engineers be responsible for issuance of building permits and review, approval and issuance of Certificate of Occupancy for construction of the Village of Goshen Sewer Plant.

Vote: Resolution Carried by a vote of 4 to 0.

3. Resolution: Equipment Purchases for Water/Sewer and Highway Department:

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION
AUTHORIZING EQUIPMENT PURCHASE FOR
WATER/SEWER AND HIGHWAY DEPARTMENT

WHEREAS, the Town Board has been provided with a request from the Town Highway Superintendent, Steven Andryshak, to purchase certain equipment to serve the Highway Department and Water/Sewer Department for the following equipment.

1. Cutquick Saw, at a cost not to exceed \$1,539.50;
2. Multiquip, LT – 120 modular light tower at a cost not to exceed \$6,839.00;
3. MI84F 4-cycle rammer and QP trash pump at a cost not to exceed \$4,840.00;
4. Utility Trailer with gate, tires and ball coupler at a cost not to exceed \$1,461.00.

WHEREAS, the Town Board determines that it is in the best interest for the Highway Department to purchase this equipment with the intent that the Highway Department will be reimbursed for one-half of the total cost of such equipment from the water and sewer budgets.

NOW THEREFORE, BE IT RESOLVED that the Highway Department is authorized to purchase the four (4) pieces of equipment recited above at a total cost not to exceed \$14,679.50, with the understanding that the Highway Department will be reimbursed for one-half the cost of such purchases from the Water and Sewer Fund at a later date.

Vote: Resolution carried by a vote of 4 to 0.

4. Resolution: Authorizing Equipment Purchase for Highway Department

Supervisor Bloomfield read the Resolution which had two requests from Highway one to repair the Town's sweeper not to exceed \$7,500.00, with a credit from the Town's old Sweeper in the amount of \$4,000.00 for a total cost not to exceed \$3,500.00.

The second request was for a purchase of a four wheel drive wheel loader Model K70021D off a New York State Bid at a cost not to exceed \$115,000.00.

Councilman Canterino made a Motion to authorize the purchase of the equipment. The Motion was seconded by Councilman Lyons for discussion. Attorney Protter asked if the four wheel drive wheel loader was to be financed? Supervisor Bloomfield replied yes. Attorney Protter informed the Board they would have to adopt a finance resolution and perhaps they would like to hold off on that section of the Resolution until the Board determines a plan of financing. The Board decided to amend the Resolution so that Highway could do the repairs to the sweeper now.

Councilman Canterino and Councilman Lyons withdrew their Motions to authorize the purchase of the equipment. Councilman Lyons made a Motion to accept the amended resolution to authorize the repairs to the Town' highway sweeper. The Motion was seconded by Councilman Canterino. Motion carried

Amended Motion:

TOWN OF GOSHEN County of Orange, State of New York

RESOLUTION AUTHORIZING EQUIPMENT PURCHASE FOR HIGHWAY DEPARTMENT

Introduced by: Councilman George Lyons
Seconded by: Councilman Philip Canterino
Date of Adoption: February 9, 2006

WHEREAS, the Town Board has been provided with a request from the Town Highway Superintendent, Steven Andryshak, to repair certain equipment to serve the Highway Department for the following equipment:

Repairs to the Town's highway sweeper at a cost not to exceed \$7,500.00, with a credit from the Town's old sweeper in the amount of \$4,000.00 for a total cost not to exceed \$3,500.00.

WHEREAS, the Town Board determines that it is the best interest for the Highway Department to repair this piece of equipment,

NOW, THEREFORE, BE IT RESOLVED that the Highway Department is authorized to repair the sweeper described above at a total cost not to exceed \$3,500.00

Vote: Resolution carried by a vote of 4 to 0.

5. School Property Reform Resolution

Supervisor Bloomfield explained to the public that the Town of Cornwall has asked all Towns to send a Resolution to our elected officials asking them to address the high cost of school taxes.

TOWN OF GOSHEN

RESOLUTION REQUESTING SCHOOL PROPERTY REFORM

Introduced by: Councilman Kenneth Newbold
Seconded by: Councilman George Lyons
Date of Adoption: February 9, 2006

WHEREAS, the Town Board is concerned about the ever-increasing cost of primary and secondary public education which must be borne by the owners of real property in the Town of Goshen and elsewhere in the State of New York; and

WHEREAS, the Town Board recognizes that although the members of the Board of Education of the Goshen Central School District and other school districts throughout the State of New York try to keep the tax rates within bounds, escalating costs of education are often not easily controllable and certainly result in tax rates which are rapidly becoming unreasonably burdensome; and

WHEREAS, it is apparent to this Town Board that the continued reliance on real property taxes to fund all or substantial portions of the costs of public, primary and secondary education is a condition which cannot be permitted to continue; and

WHEREAS, the Town Board believes that the time for action on this problem is now.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That by this resolution the Town Board of the Town of Goshen calls upon our elected leaders in Albany, the Governor, the New York State Senate and the New York State Assembly, together with other State officials to address this problem once and for all and to develop a solution which will provide adequate funds for public, primary and secondary education for the Goshen Central School District and for all school districts in the State of New York without relying in whole or in substantial part on the real property taxation.

2. That the Town Board directs that certified copies of this resolution be forwarded to the Governor, the Majority Leader of the New York State Senate, the Speaker of the New York State Assembly, together with such other public officials and bodies as may be appropriate under the circumstances.

Upon Roll Call Vote:

Supervisor Bloomfield	AYE	Councilperson Newbold	AYE
Councilperson Lyons	AYE	Coouncilperson Canterino	AYE
Councilperson Cappella	Absent		

Vote: Resolution carried by a vote of 4 to 0.

6. Resolution: Zoning Board Secretary

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION

**AUTHORIZING THE HIRING OF
TRACY GREEN DESERTO AS ZBA SECRETARY**

Introduced by: Councilman Kenneth Newbold

Seconded by: Councilman Philip Canterino

Date of Adoption: February 09, 2006

WHEREAS, the Town Board authorizes hiring of Tracey Green Deserto as Zoning Board of Appeals Secretary at the hourly rate of \$11.80 per hour.

NOW, THEREFORE, BE IT RESOLVED that the Town board appoints Tracey Green Deserto as Zoning Board of Appeals Secretary at the hourly rate of \$11.80 per hour.

Upon Roll Call Vote:

Supervisor Bloomfield	AYE	Councilperson Newbold	AYE
-----------------------	-----	-----------------------	-----

Councilperson Lyons AYE
Councilperson Cappella ABSENT

Councilperson Canterino AYE

Vote: Resolution carried by a vote of 4 to 0.

F. FINANCE

Councilman Canterino made a Motion to authorize the Supervisor to pay Voucher #2006-0067 to Voucher #2006-0152 amounting to \$139,125.30. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

G. PRIVILEGE OF THE FLOOR

Nick Petraglia had questions about the annexation and if the parcel would still be in the Town of Goshen. Supervisor Bloomfield clarified the issue for him. He also said, in reference to the School Property Reform Resolution, that he thought there was a law suit in progress somewhere over this. Councilman Newbold and Attorney Protter said the City of New York is involved in a Court case. Mr. Petraglia wondered if the Towns should sue the State in regard to the school taxes.

Jerry Boss asked, in regard to Scotchtown Park, a few things were troubling him. He said it looks like the Town is again going to take another sewer district. He stated the Town has Arcadia, Stonehedge and Hambletonian Park, where the owners of the water/sewer districts just walked away and the Town had to take over. He asked why Mr. Swanson is going to be allowed to walk away. Why is he not made to replace and repair the damaged lines before the Town takes it over.

Also Mr. Boss said there is vacant property behind this development that could very well be developed. He asked if that development would have the right to hook into this one? He said he felt Mr. Swanson should be held accountable. Councilman Canterino answered saying he brought up that same question of Mr. Swanson just being able to walk away. The Board talked it over with the attorney and he was told it is not a water district at this point, only a transportation company. Councilman Canterino stated that no matter what the Board decides to do, ultimately the Board will have not only a moral responsibility, but a legal responsibility to take the district over. He said by doing it now it may be at a lesser cost.

Leslie Cosgrove asked the Board to explain what the February 14th special meeting was for? Supervisor Bloomfield replied this meeting was on zoning and coding. Ms. Cosgrove asked when the Board would again address the IMA with the Village for the

sewer. Supervisor Bloomfield answered the Sewer IMA will be reviewed at the next work session and is being prepared now by the attorney. There was some confusion as to what IMA Ms. Consgrove was asking about. She stated it was the IMA involving the Village Building Inspector do their own inspections on the building of the new sewer plant. Supervisor Bloomfield said that if the Board gets it from the attorney by Monday, the Board may act on it at the February 14th meeting.

H. ADJOURNMENT: Councilman Canterino made a Motion to go into Executive Session with no intent to return. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0. Time: 9:05 p.m

Valma Eisma, Town Clerk