

**TOWN OF GOSHEN**  
**TOWN BOARD MEETING**  
**January 10, 2013**  
**MINUTES**

A regular meeting of the Town Board of the Town of Goshen was held on the 10th day of January, 2013 at 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:       Dennis Caplicki                Attorney for the Town  
                      Priscilla Gersbeck             Deputy Town Clerk

**A.      CALL TO ORDER**

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

**B.      AMENDMENT TO THE AGENDA**

**C.      PRIVILEGE OF THE FLOOR (agenda items only)**

**D.      OLD BUSINESS:**

**1.      REVIEW NUGENT & HAEUSSLER, INC. CONTRACT PROPOSAL FOR TOWN OF GOSHEN 2012 AUDIT AND AUTHORIZE SUPERVISOR TO SIGN THE SAME**

Nugent & Haeussler submitted two audit proposals. One is for \$23,000.00 to audit the Town offices and the other is to audit the DPW for a fee between \$2,800.00 and \$3,400.00. Both proposals were discussed at Monday's work session.

Councilman Newbold made the motion to authorize the Supervisor to sign the contract with Nugent & Haeussler. P.C. to audit the Town offices for the calendar year of 2012 not to exceed \$23,000.00. Councilman Lyons seconded the motion.

Discussion: Councilman Cappella inquired as to the fee for the 2012 DPW audit. Answer: The fee is still under negotiations.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, Philip Canterino	<u>AYE</u>
Councilperson, Louis Cappella	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>		

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

**2. REVIEW PROPOSED DOG CONTROL OFFICER CONTRACT WITH GOSHEN HUMANE SOCIETY AND AUTHORIZE SUPERVISOR TO SIGN THE SAME**

Attorney Caplicki stated the text of the contract will soon be available for the Board to review. The annual contract with the Humane Society will include an addendum to include the duties/responsibilities of the dog/animal control officer.

**3. DISCUSS EXCESSING THE DOG CONTROL VAN**

This will be addressed along with the Dog Control Contract at the next meeting.

**4. APPROVAL OF MINUTES:**

Councilman Newbold made the motion to approve the minutes of November 8<sup>th</sup> and November 19, December 3<sup>rd</sup> 2012 combined Work Session and Regular Meetings; December 10, 2012 Work Session contingent on the corrections discussed. Councilman Cappella seconded the motion.

On A Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold  
0 NAYS

**E. NEW BUSINESS:**

**1. REVIEW PROPOSED LOCAL LAW REGARDING POLICE DISCIPLINE AND SET A PUBLIC HEARING DATE.**

Attorney Caplicki reviewed three separate documents before the Board. One: Resolution to set the proposed Local Law for a public hearing (2) Legal Notice advertising the public hearing date/time/location regarding the text presented and (3) the copy of Chapter 29A, Police Department Disciplinary Hearing Procedures.

This Local Law follows one that the Court of Appeals ruled in favor for the Town of Wallkill. It is enacted in order to comply with the provisions of §154 and 155 of the Town Law, the public policy of the State of New York, and Court of Appeals Case Law, and provides that the Town Board, not the Town Supervisor or any other third party shall make all final determinations concerning the investigation of complaints and imposition of discipline penalties with respect to members of the Town of Goshen Police Department. This is regardless of what was negotiated in past policies or contracts.

To outline the proposed Local Law: When an Officer files a complaint it will be investigated. Procedurally: if the complaint is substantiated, the Chief will conduct a disciplinary interview to discuss the alleged charges. If, after the disciplinary interview, the Chief will determine if the imposition of a disciplinary penalty is required. The chief shall provide a copy of his decision to the Town Board. The officer may request a hearing on the charges. A final determination of the charges alleged shall be made with a penalty consistent with the provisions of the NYS Town Law. Through this process the particular officer will be entitled to a representative or legal counsel and will have the right to appeal.

**TOWN OF GOSHEN  
RESOLUTION**

**Local Law No. 1 of 2013 Amendment to the Code of the Town of Goshen  
Chapter 29A Entitled "Police Department; Disciplinary Hearing Proceedings"**

INTRODUCED BY: Councilman Philip Canterino

SECONDED BY: Councilman Louis Cappella

DATED: January 10, 2013

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 10th day of January, 2013

WHEREAS, the Town of Goshen pursuant to Sections 154 and 155 of the New York State Town Law is empowered to adopt and make rules and regulations for the examination, hearing, investigation and determination of charges made or preferred against any member or members of the Town of Goshen Police Department, and

WHEREAS, the Town Board of the Town of Goshen wishes to comply with and conform to the provisions of Sections 154 and 155 of the Town Law, the public policy of the State of New York, and the Court of Appeals of the State of New York Case Law, and

WHEREAS, the Town Board wishes to make all final determinations concerning the investigation of complaints and imposition of disciplinary penalties with respect to members of the Town of Goshen Police Department,

NOW, BE IT THEREFORE RESOLVED that a Public Hearing be held with respect to proposed Local Law No. 1 of 2013; Amendment to the Code of the Town of Goshen, Chapter 29A entitled "Police Department; Disciplinary Hearing Proceedings", copy of text annexed, on February 14, 2013 at 7:35PM or soon thereafter as the matter can be heard at the Town of Goshen, Town Hall, 41 Webster Avenue, Goshen, New York.

Discussion:

Councilman Lyons asked if this Local Law No.1 Amendment will give "a tremendous amount of power to the Acting Chief or the Chief of Police before it actually gets to the Board". Answer: This format can be modified. It is on the principle of whether or not the right to discipline had been bargained away in a collective bargaining agreement or some other procedure. Discipline is a non-barginable aspect of any negotiation. It keeps the discipline within the department.

In summary, Supervisor Bloomfield stated that the Chief of Police is a member of management, who is responsible for the coordination of activities within the Department. If the officer feels that the recommended discipline is questionable, then it will come to the Town Board level, not arbitration.

On A Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold  
0 NAYS

**2. APPOINT CYNTHIA J. HAND, ESQ. TO THE GOSHEN BOARD OF ASSESSMENT REVIEW FOR THE TERM JANUARY 10, 2013 THRU SEPTEMBER 30, 2017**

Councilman Lyons made the motion to appoint Cynthia J. Hand Esq. to the Goshen Board of Assessment Review as presented in the foregoing agenda. Councilman Canterino seconded the motion.

On A Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold  
0 NAYS

**3. DISCUSS REQUEST BY GOSHEN LITTLE LEAGUE FOR FUNDING OF DRAINAGE IMPROVEMENTS**

Supervisor Bloomfield noted that the Goshen Little League has requested funding for drainage improvements at Craigville Park. The Village is willing to contribute monies toward this project. The total job is estimated to cost around \$30,000. The requested improvements are expected to last at least five years plus. It's not a "band-aid" fix. The Parkland fund account has \$2,000 in it. However, a rather large check is expected in the mail that will cover the Town's portion of the expense. Even with the economy as it is, Goshen is expecting a growth in revenue with building businesses/homes and jobs promised.

Councilman Cappella pointed out that the money is filtered down from Joint Recreation.

Councilman Canterino stated that this would be a Joint Rec. project for the fields that the Little League plays on.

Councilman Lyons mentioned that on December 3, 2012 there was \$20,000 in the Parkland fund account. Supervisor Bloomfield will look into it.

Councilman Newbold noted that the drainage in the back is located in a very sensitive area.

Supervisor Bloomfield requested an update, at the next work session, on the asbestos removal of the Salesian building.

**F. FINANCE**

Councilman Newbold made the motion to authorize the Supervisor to pay Manual A/P runs of 12/07/2012 through 12/31/2012 amounting to \$133,725.15, and Accounts Payable check run for 1/10/2013 amounting to \$254,055.22. Councilman Lyons seconded the motion.

On A Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold  
0 NAYS

**G. PRIVILEGE OF THE FLOOR**

Now that the County has taken over the Assessor's Office, **Joel Markowitz** inquired if the procedure to speak with the Assessor regarding one's assessment and/or assessment related questions has changed. If the assessment on a parcel is questionable, the owner can come to the Town on "Grievance Day" for clarification/adjustment. However, there are instances where issues can be easily resolved by meeting with the Assessor prior to Grievance Day. Has this changed?

Councilman Lyons (Liaison to Assessor's Office) answered; that an inquirer in the morning should receive a return answer by the end of the business day. If the person calls in the afternoon, the answer will be given the next business day. Also on any day an Assessor or Assistant Assessor, who is authorized to make an adjustment decision or to resolve an issue, will be here.

**Geri Corey** asked if the improvements to the drainage at Craigville Park will encompass *all* of the fields or just the Little League fields. Answer: this is still under review. Joint Recreation has to notify us as to which fields they want the work done on and give us a detailed estimated cost for the work.

**H. EXECUTIVE SESSION:**

Councilman Newbold made the motion to enter into Executive Session to discuss the following;

1. P.D. Personnel
2. Dial-A-Bus Incident
3. Vehicle Accident Involving DPW

with the intent not to return. The motion was seconded by Councilman Cappella. Motion Carried

**ADJOURNMENT:** 8:10 PM

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Priscilla Gersbeck, Deputy Town Clerk