

TOWN OF GOSHEN  
TOWN BOARD WORK SESSION

**April 9, 2012**

MINUTES

A work session of the Town Board of the Town of Goshen was held on the 9th day of April, 2012 at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:        Douglas Bloomfield     Supervisor  
                 Louis Cappella        Councilman  
                 George Lyons            Councilman  
                 Kenneth Newbold        Councilman

Absent:         Philip Canterino        Councilman

Also Present:  Dennis Caplicki        Attorney for the Town  
                 Priscilla Gersbeck      Deputy Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:31pm, followed by the Pledge of Allegiance.

*Prior to the meeting, Susan Cleaver asked to speak to the Board.*

Susan Cleaver recently took a walk along the Wallkill River. She was surprised to see that numerous trees have been cut on both sides. As a taxpayer, she wanted to know if the Town of Goshen taxpayers are contributing monies to have trees cut along the Wallkill River. Supervisor Bloomfield answered: The Town of Goshen pays around 24% of the cost of the annual River clean up, which was \$13,800 for 2011. However, the Town of Goshen will not contribute any money to the whole scale clearing of trees. He believes that the recent clear cutting cost which was around \$60,000 came from the County. It has nothing to do with Or. Co. Soil & Water Conservation.

Susan asked why the whole Town of Goshen contributes monies towards the yearly maintenance of the River, when it only serves a portion of the community in that watershed. Perhaps there should be a district of those residents living in that watershed.

Response: This was established years ago. The payment agreement is based on the amount of frontage each Town has along the Wallkill River. This is similar to Town of Goshen residents paying towards Joint Recreation who have no children and those paying towards Dial-A-Bus, who don't use it. There are many things taxpayer's money is used to support the community.

Susan feels that it doesn't seem right for the Town of Goshen taxpayers to cover the cost of clearing out the Wallkill drainage to benefit the people living along the Wallkill River.

**1.        REVIEW THREE PROPOSALS TO PURCHASE ELECTRICITY FROM ALTERNATE SUPPLIERS AT A REDUCED COST**

Budget Officer, Bill Standish, has reviewed three energy supply companies' proposals through M & R Energy resources Corporation. The Town is looking to decrease its electric bill. Of the three proposals, Direct Energy is proposing a 12 month electric rate of 0.05525 per Kwh or a 24 month electric rate of 0.05788 (locked in) per Kwh. This proposal includes a swing of 25%. This means that if there is an

additional building or added costs for consuming electricity, the amount of energy would be increased by 25% and still be honored by the proposed electric rate. As of this quote (prices change daily) the Town could save \$17,605.91 per year compared to our current electric carrier.

Attorney Caplicki has reviewed the contract and stated that it is standard to this type of entity. It can be cancelled with a prior 30 day notice within any full-service month.

Councilman Cappella made the motion to authorize the Budget Officer to enter into a contract with M & R Energy Resources Corporation for the purchase of power from Direct Energy Business LLC at the proposed rates starting as soon as possible. Councilman Lyons seconded the motion.

Discussion: The consensus of the Board is that this will be a great savings for the Town and we should enter into a two year contract.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Cappella, Lyons, Newbold  
0 NAYS  
1 ABSENT

**2. REVIEW WATER AND SEWER RATE PROPOSALS TO BE DISCUSSED WITH THE WATER/SEWER DISTRICTS ON APRIL 11<sup>TH</sup>**

Supervisor Bloomfield presented a financial analysis of the four water and sewer districts. As a result of the analysis, there is room to decrease the 2012 rates in the Scotchtown Water District, Hambletonian Park Sewer District, Arcadia Hills Water District and Arcadia Hills Sewer District. The Stonehedge Water District rates need to remain the same in 2012 in order to build a positive fund balance. More details will be provided at the public meeting on April 11<sup>th</sup>.

**3. DISCUSS THE GOSHEN CORP TAX CERTIORARI SETTLEMENT AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME.**

Attorney Caplicki stated that of the eight parcels, two are withdrawn and six are settled. The stipulations and resolutions are finalized. The library, school and village have been notified of the settlements and are reviewing the documents. Councilman Cappella would like to see proof of the communications of the involved parties. This will prevent any misunderstandings of the final settlements. The Board will review the documents and will vote on them at the next meeting.

**4. DISCUSS THE LEBLANC TAX CERTIORARI SETTLEMENT AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME**

Attorney Caplicki has received and reviewed the settlement. The Board will review the documents and will vote on them at the next meeting.

**5. REVIEW AND DISCUSS EXPANDING HAMBLETONIAN PARK WATER AND SEWER DISTRICTS AND DEDICATION OF LAND AND ASSOCIATED CONSERVATION EASEMENTS (A&B)**

Attorney Caplicki presented the Board with a proposed "Turnover Agreement". This agreement details that the Town Board is considering expanding the Town of Goshen Sewer and Water

District No.1 (Hambletonian Park) in the manner provided for in Article 12A of the Town Law to include the Heritage Estates project. New York Farms LLC is considering contracting with the Village of Goshen to collect and treat the sewage flows from Heritage Estates project etc. etc. Attorney Caplicki advised the Board to review the proposed agreement in executive session

**6. REVIEW PROPOSED RECOGNITION OF THE TOWN OF GOSHEN WATER/SEWER DEPARTMENT EMPLOYEES AND DEPARTMENT OF PUBLIC WORKS EMPLOYEES FOR WORK CONNECTED TO PROTECTING THE MOODNA WATER BASIN**

Four major events occurred in 2011 which significantly impacted our community. On July 29<sup>th</sup> a tornado touched down in the Hasbrouck Heights section of the Town. This caused power outages and disruption of the Hambletonian Park sewer collection system. Our water/sewer team effectuated backup pumping of the sewage by truck, preventing a major overflow of sewage to the surrounding wetlands.

At the end of August, Hurricane Irene and Tropical Storm Lee caused major flooding. An early snow storm in late October damaged trees and downed power lines. Here again, the water/sewer department responded by keeping the sewage collections operating to minimize sewage overflow into the wetlands and surface water bodies.

Working in conjunction with the water/sewer employees, the DPW employees were busy with damaged roads, culverts and removal of debris to keep the flood waters flowing and damage to a minimum.

Supervisor Bloomfield is planning to acknowledge the employees in the water/sewer department and those in the DPW who responded to the 2011 weather emergencies preventing catastrophic damage to the Moodna Watershed. A formal public acknowledgement will take place at the Highway Department.

**7. DISCUSS AND APPROVE A RESOLUTION TO AUTHORIZE THE POLICE DEPARTMENT OFFICER IN CHARGE TO SIGN ALL DWI ENFORCEMENT CONTRACT HOURS UNTIL OTHERWISE RESCINDED**

A resolution has to be approved to authorize the police officer in charge to sign all DWI enforcement contract hours in order to receive grant dollars associated with DWI enforcement.

**TOWN OF GOSHEN  
RESOLUTION**

**Authorization to the Officer in Charge of the Police Department and/or the Supervisor to sign all DWI Enforcement Hours' Contracts**

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman George Lyons

DATED: April 9, 2012

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 9th day of April, 2012;

WHEREAS, the Town of Goshen participates with the County of Orange and State of New York concerning DWI enforcement activities, and

WHEREAS, the Town Board of the Town of Goshen wishes to make said activities more efficient and productive, and

NOW, THEREFORE BE IT RESOLVED, that the Officer in Charge of the Town of Goshen Police Department and/or the Supervisor of the Town of Goshen is authorized to sign all DWI enforcement hours contracts on behalf of the Town of Goshen and that such authorization shall remain in effect until same is otherwise rescinded.

Upon Roll Call Vote:

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

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

**8. REVIEW AND APPROVE A SPECIAL EVENT PERMIT FOR THE HACIENDA RESTAURANT TO HOLD A CINCO de MAYO EVENT ON MAY 5, 2012**

Councilman Newbold made the motion to acknowledge that the Hacienda Restaurant will hold its' annual Cinco de Mayo celebration on May 5, 2012 and that patrols will be on duty for DWI enforcement and for the safety of the public. Councilman Cappella seconded the motion.

Discussion: At a meeting, Manager Ricardo Salcedo was informed that none of the Town Police Officers would be working on his property. He will have to employ private security for safety concerns. Sergeant Faust indicated that one DWI patrol will be out on that evening. Since a crowd of 2,000 is expected through-out the *entire* day, Sgt. Faust will have one patrol officer on duty and accessible for ready response. The Town does not want to get involved with having police officers on private property.

Questions were asked if a special event permit is required and what happens if the occupancy of the facility is exceeded? Response: This event is treated as an adjunct activity of their business as an annual reoccurrence. However it has gotten larger and larger each year. The Town is not sanctioning the event. We are acknowledging that this event is an out-growth of their normal business and is patrolled for the safety of the public.

It is planned to notify the State Police and the Sheriff's Dept. of this event.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Cappella, Lyons, Newbold  
0 NAYS

**9. REVIEW AND APPROVE A REQUEST BY THE HAMBLETONIAN MARATHON COMMITTEE TO CONDUCT A "NEW" COMMUNITY MARATHON ON OCTOBER 20, 2013**

Supervisor Bloomfield summarized a letter received from The Hambletonian Marathon committee, c/o Robert Dickover. This is a new community event planned as a full 26.2 mile road race scheduled to take place on October 20, 2013. It will begin at 8:00am, traversing the Village and Town of Goshen in a figure 8. Two segments of the course will be utilized, the Heritage Trail between Hartley Road and the Village and from Chester Depot to Goshen. The letter is requesting formal permission to traverse on the Towns' properties. This notification is presented far enough in advance enabling the committee to go forward with the many details in planning such an event. Councilman Lyons feels that a Hold Harmless form should be added with the liability insurance. Attorney Caplicki will meet with Robert Dickover to review details of liability coverage.

**10. DISCUSS REQUEST BY DAVID MURPHY, ESQ. AND AUTHORIZE THE ASSESSOR TO UTILIZE THE SERVICES OF COYLE, LYNCH & COMPANY FOR EXPERT ADVICE ON VALUATIONS OF THE AL TURI PROPERTIES AS OF 7/1/2012**

Attorney David Murphy, LLP sent a memo with a recommendation to authorize Coyle, Lynch & Company to provide a brief "trend up" report which would give our Assessor expert advice on what a fair valuation for the Al Turi Landfill and the landfill related parcels as of July 1, 2012 (uniform valuation date for 2013 assessment purposes). Retaining experts/creditable data will put the Town in a better position to make decisions as to how to handle a future proceeding *if* need be. Attorney Caplicki will find out what the cost of this would be to the Town.

**11. DISCUSS REQUEST BY PHILIP LA PORTA, PHD, DIRECTOR OF CENTER FOR THE INVESTIGATION OF NATIVE AND ANCIENT QUARRIES (CINAQ) AND MAYOR RODDEY TO EXPLORE AND EVALUATE THE SALESIAN SCHOOL BUILDING AS A POTENTIAL MUSEUM AND RESEARCH CENTER**

Philip C. LaPorta, Executive Director CINAQ, is requesting the acquisition of the building at 1 Craigville Road, Goshen to be used as a Center for the Investigation of Native and Ancient Quarries (CINAQ). This Center aims to educate the public and scientific communities on the existence of ancient quarries and their importance to the culture and history of the region etc. Mr. LaPorta is currently researching different entities for funding of this project. Before any action can take place, the Town has to find out what the long term plans are for this location.

**12. RE-AFFIRMATION OF IWS TAX CERT SETTLEMENT**

Settlement of a tax review proceeding which was brought against the Town of Goshen by IWS of NY Inc. (with respect to certain real property located in the Town and Village of Goshen and known on the tax maps thereof as Section 12 Block 1 Lot 21.21) was approved by Resolution on November 21, 2011. However, this occurred in Executive Session. The confirmation of approving the resolution should have been done during a regular meeting. Councilman Cappella made the motion to confirm the Resolution dated on November 21, 2011 which approved the settlement of Tax Review proceedings/Appeal; IWS Transfer System of NY

Inc. and authorizing the Assessor for the Town of Goshen to sign such documents as are necessary to effectuate the settlement. Councilman Newbold seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Cappella, Lyons, Newbold  
0 NAYS

**13. SET PUBLIC HEARING FOR ORANGE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Supervisor Bloomfield is unsure of the amount of monies that will be allocated with this grant. The purpose of the public hearing is to receive ideas from the public as to what might be needed under this grant.

Supervisor Bloomfield made the motion to hold a public hearing regarding the Orange County Community Block Grant Program to solicit public input for potential grants ideas at 41 Webster Avenue, Goshen Town Hall at 7:30pm or soon thereafter on April 26<sup>th</sup>, 2012. Councilman Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Cappella, Lyons, Newbold  
0 NAYS

**14. LETTERS REGARDING MTBE LITIGATION**

Attorney Caplicki informed the Board Members that they are not at liberty to comment on letters received. The MTBE issue is in litigation and the discovery stage of the case has been delayed by the petitioner. For the Town to be dismissed from the case (summary judgment), the discovery stage has to be completed.

Under the advice of Counsel any and all forms of correspondence and/or questions are to be referred directly to the office of Rosalie J. Perrone, Esq. of McElroy, Deutsch, Mulvaney & Carpenter, LLP, Attorneys At Law, Wall Street Plaza, 88 Pine Street – 24<sup>th</sup> Floor, New York, New York 10008.

**EXECUTIVE SESSION**

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

1. Tax Certiorari Status Update
2. Retired Chief Status Update
3. Solicitation For A New Chief Status Update
4. Al Turi Landfill Certiorari Settlement Status Update
5. Turnover Agreement Update

with the intent not to return. The motion was seconded by Councilman Lyons. Motion carried

**ADJOURNMENT:** 8:55PM

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Priscilla Gersbeck, Deputy Town Clerk

