

TOWN OF GOSHEN
TOWN BOARD MEETING
June 28, 2012

MINUTES

A Regular Meeting of the Town Board of the Town of Goshen was held on the 28th day of June, 2012 at 7:30 p.m. at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:	George Lyons	Deputy Supervisor
	Philip Canterino	Councilman
	Louis Cappella	Councilman
	Kenneth Newbold	Councilman

Absent:	Douglas Bloomfield	Supervisor
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Also Present:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

A. CALL TO ORDER: Deputy Supervisor Lyons called the meeting to order at 7:35 p.m., and asked Dan McMahon to lead the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA: Attorney Caplicki stated he would like to amend the agenda to include an Executive Session to discuss Tax Certioraris, and litigation: Bartley, Darlene & Clifford vs. Orange County and Town of Goshen

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

D. REPORTS:

COUNCILMAN LOUIS CAPPELLA reported that Highway is doing catch basins now, and getting roads ready. He said the Senior Center rentals for June and July have been extremely low, which is unusual. He said he will wait to give the report on Dial-A-Bus as he would like to give a six months report so that we can see how Dial-A-Bus is doing after we have changed the operation hours, and days.

COUNCILMAN KENNETH NEWBOLD reported Water/Sewer is going along smoothly, no water main breaks. He said he and Supervisor Bloomfield will be meeting with the residents of Hambletonian Park to discuss the expansion agreement, and how it will affect the residents.

COUNCILMAN PHILIP CANTERINO reported the Board had met with Sergeant Faust on Monday night, and discussed various issues with him. First they discussed the fact that the Police Budget is exceeding it's limits. He said the primary causes are personnel overtime, Holiday pay, and Officer in Charge pay, "we really need to bring this into line."

Councilman Canterino said the Police Department Budget grows expeditiously due to the nature of the contracts and the commitments we have to keep. He said we have a lot less control due to the unions, so we are watching this carefully, along with the part time police, as budget time is coming up.

Councilman Canterino said they also discussed at length the problem of some of the officers working "moonlighting" in places that serve alcoholic beverages. He said it is not allowed in New York State, and it was just recently done, where they were acting other than as policemen. When it was discovered the Board contacted the insurance company and were told regardless of what, "they are Police Officers first." He said that police officers are not allowed to work where there is alcohol present, this would include convenience stores. Councilman Canterino said he was sure no one understood that, but it is a law. He said he asked Sergeant Faust to communicate this to the officers, so we can make sure we are not violating any law, and putting the Town of Goshen at risk.

DEPUTY SUPERVISOR GEORGE LYONS reported for Joint Recreation stating the following: The Goshen Parks and Recreation Day Camp is currently in it's first week, the camp is held in one week sessions until August 10th at the Goshen Intermediate School. The Camp hours are from 9:00 a.m. to 2:00 p.m., and an extended day from 9:00 to 4:00. Ongoing registration is available on line at goshenrecreation @.org, or registration is also available at the JRC office at Village Hall. The price of the camp remains the same as last Year, \$89.00 per week for the 2:00 p.m. dismissal, \$119.00 for the 4:00 p.m. dismissal. The free tennis and track program will begin on July 2nd, and run through August 10th. There is also a Boys' basketball and baseball camp, and a girls' basketball camp, offered at a very reasonable rate. If interested call 845-294-1558. As far as the parks are concerned the grounds keepers are busy with the mowing of all the parks, and the perimeter drainage work has been completed.

E. OLD BUSINESS:

1. Approval of Minutes: Councilman Canterino made a Motion to approve the Work Session minutes of June 11th and Regular Meeting minutes of June 14, 2012. The Motion was seconded by Councilman Cappella. Motion carried 3 to 0, with Councilman Newbold abstaining as he was absent from these meetings.

F. NEW BUSINESS:

1. Resolution Riya Tax Certiorari : Attorney Caplicki reviewed the following resolution with the Board:

**TOWN OF GOSHEN
RESOLUTION**

SETTING OF TAX CERTIORARI; RIYS-GOSHEN, LLC

**INTRODUCED BY: COUNCILMAN PHILIP CANTERINO
SECONDED BY: COUNCILMAN KENNETH NEWBOLD**

DATED: JUNE 28, 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 28th day of June 2012

WHEREAS, Riya-Goshen, LLC has commenced tax certiorari proceedings against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for the 2008-09, 2009-10, 2010-11, 2011-12 and 2012-13 tax assessment years bearing Orange County index # 2008-09,2009-10, 2010-11, 2011-12 and 2012-13 tax assessment years bearing Orange County Index #'s 2008-7878 2009-7314, 2010-7166, 2011-006605 and 2012 to be commenced by petitioner;

WHEREAS, it appears from the recommendation of the Town Assessor, the Town's appraiser and Dennis P. Caplicki Esq., counsel for the Town of Goshen in the aforesaid proceeding, and upon a thorough investigation of the claims, that any further proceedings and litigation by the Town would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the above matter(s), as more fully set forth below, is reasonable and in the best interests of the Town; and

WHEREAS, Riya-Goshen, LLC is willing to settle these proceedings without interest, cost of disbursements, in the following manner;

- (1) That the proceeding for the 2008-09 tax year be confirmed at an assessment of \$3,087,500;
- (2) That the proceeding for the 2009-10 tax year be confirmed at an assessment of \$3,334,500
- (3) That the proceeding for the 2010-11 tax year be confirmed at an assessment of \$3,674,125
- (4) That the proceeding for the 2011-12 tax year be confirmed at an assessment of \$3,843,938
- (5) That the proceeding for the 2012-13 tax year be confirmed at an assessment of \$3,859,375

That petitioner's real property taxes for the years 2008-09, 2009-10-2010-11, 2011-12 and 2012-2013 be adjusted accordingly, and that the petitioner be reimbursed, if paid, for any overpayment, without interest, if paid within ninety (90) days of notice of entry, or be credited with the corresponding decrease in taxes, as the case may be and;

That the petitioner agrees to waive the right to challenge the 2012-14, 2014-15 and 2015-16 real property tax year assessments pursuant to RPTL Section 727;

NOW, BE IT THEREFORE RESOLVED, that the proposed settlement as set forth and, described above is hereby accepted pursuant to Section 68 of the Town Law, and it is further;

RESOLVED that Jo Ann Soules, Assessor to the Town of Goshen, Dennis P. Caplicki Esq., Attorney for the Town of Goshen, and Douglas Bloomfield, Supervisor of the Town of Goshen be and they are hereby authorized to take any and all steps, and sign any and all documents necessary to effectuate the terms of this resolution.

Upon Roll Call Vote:

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

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

G. FINANCE: Councilman Newbold made a Motion to authorize the Supervisor to pay Manual A/P runs as of 06/26/2012 amounting to \$10,672.42 and Accounts Payable Check Run of 06/28/2012 amounting to \$48,626.66.

H. PRIVILEGE OF THE FLOOR: Joel Markowitz asked a question, but did not use microphone and was inaudible, as was Councilman Lyon's reply.

I. ADJOURNMENT: Councilman Newbold made a Motion to adjourn the meeting and go into Executive Session, with intent not to return, to discuss litigation: Barley, Darlene & Clifford vs. Town of Goshen and Tax Certiorari. The Motion was seconded by Councilman Canterino. Motion carried 4 to 0.

Time 7:47 p.m.

Valma Eisma, Town Clerk