

# TOWN BOARD MEETING

June 13, 2013

MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 13th day of June, 2013 at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:	Douglas Bloomfield	Supervisor
	Louis Cappella	Councilman
	Philip Canterino	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 7:31 pm, followed by the Pledge of Allegiance.

## **B. AMENDMENT TO THE AGENDA**

There are changes to the original agenda order.

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

## **D. AGENDA ITEMS**

### **1. REQUEST BY TAM ENTERPRISES REGARDING COMMERCIAL DEVELOPMENT OF HARTLEY ROAD PROPERTY**

Representing TAM Enterprises, Christopher Guddemi, Project Manager at LAN Associates LLP addressed the Board. They are requesting a zoning change to SBL 12-1-2.3 on Hartley Road. The subject lot is split between two zoning districts, rural (RU) and commercial (CO). TAM Enterprises wishes to have the whole lot included in the CO zone. Tony Lasaponara owner of TAM Enterprises is looking to construct a 15,000 sq. foot combined garage and office building.

Attorney Caplicki discussed this with Planning Bd. Attorney Kelly Naughton. The Planning Bd. has discussed this in the past and is familiar with the parcel. Since this property is partially zoned CO, it would *not* be considered "spot zoning". There is no prohibition. However, for a zoning change the petition needs to be examined as to the effect on the surrounding properties etc.

Councilman Cappella researched this parcel and noted that before 2004 it was industrial/commercial. In 2004 it was the only piece changed to residential without a documented reason.

Supervisor Bloomfield asked Attorney Caplicki how to proceed for the next work session.

**2. DISCUSS CURRENT SITUATION REGARDING ARCADIA HILLS SEWAGE PUMP FAILURES AND AUTHORIZE HIGHWAY SUPERINTENDENT TO REPLACE BOTH PUMPS AND ASSOCIATED FACILITIES ON AN EMERGENCY BASIS**

Pump failures in the Arcadia Hills sewer pump station resulted in a temporary action to use two diesel pumps (primary & backup) in an adjacent manhole to pump sewage into the force main. Therefore, Highway Superintendent, Broderick Knoell (showing photos of the breakage and deterioration) presented three quotes from three different vendors of submersible pumps for an emergency retrofit. A discussion to seek competitive bids was determined to be impractical as that could take months. This is an emergency. If both of these pumps malfunction sewage could back-up in the homes causing health issues; or onto the property creating an environmental hazard. As Arcadia Hills sewer service is threatened, the Town Board unanimously declared an emergency and took the following action.

Councilman Newbold made the motion to declare this situation an emergency and authorize the Superintendent Highways, Water/Sewer Department to proceed with upgrading this facility with new pumps. Councilman Lyons seconded the motion.

Discussion: Supervisor Bloomfield stated the rationale for the motion.

*"Both pumps are out of service. The lead time in replacing and repairing these pumps is four to six weeks. We are in the height of the rainy season and with the I & I at great levels. The concern is that sewage could potentially backup in homes creating health, safety and property damage. In addition to that, there could possibly be spillage onto land and into adjacent wetlands. In making the motion to declare the situation an emergency to purchase two pumps will resolve the problem in a week. By contrast, it would take four to six weeks to repair the failed pumps. If the temporary diesel pumps fail, we have no backup."*

There was also discussion surrounding to purchase price of the pumps. TAM Enterprises has quoted a price of \$12,000 per pump, including rail kits. This quote is the least amount of those presented. The amount including the installation could be in the range of \$70,000 to \$75,000. Essentially we are out of time and the risk is too great to wait for installation bids.

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: Resolution carried by a vote of 5 to 0.

**3. REVIEW AND APPROVE PROPOSAL TO MODIFY THE TOWN CODE FEE SCHEDULE TO AUTHORIZE THE SUPERINTENDENT TO CALCULATE ROAD OPENING AND BOND AMOUNTS BASED ON SIZE OF PROJECT(S) INVOLVED**

Broderick Knoell addressed the Board explaining his rationale for setting fees to cover large road opening permits. Therefore, the following Resolution was adopted.

**TOWN OF GOSHEN  
RESOLUTION**

**Amendment to Chapter 85 of the Code of the Town of Goshen entitled "FEES"**

INTRODUCED BY: Councilman Louis Cappella

SECONDED BY: Councilman George Lyons

DATED: June 13, 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 13th day of June, 2013

WHEREAS, the Town of Goshen has previously adopted as part of its Town Code, Chapter 85 entitled "FEES"; a schedule of fees with respect to building, planning, and zoning application and inspection fees, and

WHEREAS, the Town Board of the Town of Goshen has studied the issue(s) and determined it would be in the best interests of the Town of Goshen and its citizenry that fees, deposits/bond amounts be established for road opening permits,

NOW, BE IT THEREFORE RESOLVED that Town of Goshen does hereby amend Chapter 85 of the Code of the Town of Goshen so as to add the following:

Road Opening Permit (Small Road)	For road openings less than 100' in linear length; \$180 fee plus \$1,500 Bond/Deposit
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Road Opening Permit (Large Road)	For road openings of 100' or more in linear length fee(s) / deposit(s) will be as follows:
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- a) The Superintendent of Highways for the Town of Goshen will establish the fee(s) based upon the amount of inspection work required
- b) The Superintendent of Highways will calculate a cost estimate for remediation based upon the specific project. The bond(s) / deposit(s) will be the value of the cost estimate multiplied by a factor of 1.5

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: Resolution carried by a vote of 5 to 0.

4. **INFORMATION; LETTER OF PRAISE FOR MARK WARREN, WATER/SEWER DEPARTMENT, FROM VINCENT COOKINGHAM PHD.**

A letter was received from Vincent Cookingham of Scotchtown Park, praising Mark Warren. He stated "Mark went out of his way to help us by checking the system and making many positive recommendations." ..... "good help is hard to find. Even harder to find is dedicated and caring staff such as Mark." We are proud of you Mark!

5. **DISCUSS AND APPROVE PROPOSED PAYMENT SCHEDULE BY ELKARPO, LTD. FOR MONIES DUE THE TOWN OF GOSHEN AND TO COMMUNICATE BY LETTER TO MR. & MRS. RANDALL--- RESOLUTION OF MATTER**

The annexation of Elkarpo, LTD has been previously discussed. At this time, the following Resolution will be adopted and in fact formally conveyed to Mr. & Mrs. Randall.

**TOWN OF GOSHEN  
RESOLUTION**

**Settlement of Claim by the Town of Goshen Against ELKARPO, LTD. and Authorization to Counsel to Prepare the Pertinent Settlement Documents and the Supervisor to sign same Upon Completion and Compliance with the Terms hereof**

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman Philip Canterino

DATED: June 13, 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 13<sup>th</sup> day of June, 2013

WHEREAS, the Town of Goshen has previously entered into a written agreement with ELKARPO, LTD. dated April 23, 2006 where under ELKARPO, LTD. in connection with the annexation to the Village of Florida, New York of certain lands located in the Town of Goshen promised to pay to the Town of Goshen certain monies to mitigate the tax loss resulting to the Town of Goshen from the annexation, and

WHEREAS, the Town of Goshen and ELKARPO, LTD. wishes to update and amend said agreement so as to more specifically memorialize the obligations of ELKARPO, LTD. to the Town of Goshen,

NOW, BE IT THEREFORE RESOLVED, that the Town of Goshen does hereby authorize the law firm of Burke, Miele, & Golden, L.P. to prepare such documents and materials as necessary so as to update and amend the aforementioned agreement to provide in pertinent part that upon signing of said updated and amended agreement that ELKARPO, LTD. will adhere to the following terms:

Total Amount Due Town of Goshen \$105,000.00

Down payment upon signing updated amended agreement \$10,000.00

Balance Due of \$95,000.00 to be paid to the Town of Goshen at the rate of \$9,500 per year for ten (10) years

If the entire project is sold before the balance due is paid, the remaining balance due will be paid upon the sale closing

If the project is developed and individual units sold, then upon each sale an additional payment in reduction of principal will be made in the amount of \$2,000 per unit

Upon preparation of the required documents and signing by ELKARPO, LTD. the Supervisor of the Town of Goshen is authorized to sign any and all materials necessary to effectuate the terms of this resolution.

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: Resolution carried by a vote of 5 to 0.

**6. INFORMATION: REMINDER OF JOINT VILLAGE/TOWN BOARD MEETING MONDAY, JUNE 17<sup>TH</sup> - 7:00PM AT VILLAGE HALL**

Attorney Caplicki put together a packet for the Board to review before Monday's meeting. This meeting will address the annexation of Section 10, Block 1, Lot 63 and Section 12, Block 1, Lot 74 from the Town of Goshen into the Village of Goshen. The physical address of this location is 2500 - Route 17M, Goshen, NY.

**7. REVIEW AND APPROVE PROPOSAL TO PURCHASE A 2013 FORD POLICE CAR FOR \$29,470.00 PLUS DELIVERY. MONEY WAS SET ASIDE FOR THIS PURCHASE IN THE 2012 BUDGET**

Councilman Canterino reviewed the invoice of a new police car through Beyer-Warnock Ford (NYS bid). This purchase will replace a 2003 Ford Crown Victoria with the current mileage of 279,889. Besides the high mileage, the floorboards have been replaced, has had several transmission replacements and the frame is rotting. The purchase price, along with the list of factory added options, was reviewed.

Supervisor Bloomfield made the motion to authorize the Chief of Police to order the 2013 Ford Police Interceptor Sedan AWD pursuant to State bid at a cost not to exceed \$29,470.00 and for the Police Commissioner to work with the Chief of Police to review options that may or may not be there. Councilman Canterino seconded the motion.

Discussion: A few of the options were considered to be non-essential and questionable.

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

**8. DISCUSS USE OF "PROFESSIONAL COMPANIES" AS VIEWED BY THE NYS COMPTROLLER'S OFFICER IN A RECENT AUDIT**

Supervisor Bloomfield referenced an article that recently appeared in the Times Herald Record titled "State slams Middletown for lack of competitive bidding". An audit criticized the city of Middletown for not soliciting competitive bids on eight purchases and didn't seek bids for professional services. Middletown disagreed with this. We are in agreement with Mayor DeStefano that "If you're happy with a professional's work, and their pricing is competitive with the industry, you continue to use that professional." In some cases it is best to choose a professional who is familiar with the community, who knows codes, surrounding contracts and local laws rather than to go out of the community to bid. In actuality, there is an exclusion in the law where professional services do not have to go to bid. In many instances, the lowest bidder is not necessarily the *best value bidder*. The Town of Goshen reviews *every* expenditure as the voucher requires three signatures from the Board and one from the Dept. Head. It would be interesting to see the auditors audit the State and find out where our tax dollars go.

**E. FINANCE**

Councilman Newbold made the motion to authorize the Supervisor to pay Accounts Payable check run of 05/30/13 amounting to \$40,667.12, Manual A/P runs as of 06/05/13 amounting to \$8,202.79, and Accounts Payable check run for 06/13/13 amounting to \$164,649.48. Councilman Lyons seconded the motion.

**F. PRIVILEGE OF THE FLOOR**

Athletic Director, **Dion Ashman** of the Goshen Secure Center addressed the Board. He applauded the way in which the Board operates and conducts business. The reason for his visit is to connect the facility to the surrounding community. Currently the Goshen Secure Center serves juvenile offenders who, while under the age of 16, committed certain violent felonies and were convicted and sentenced in adult criminal court. Depending upon the sentence, the youth may remain in OCFS (Office of Children Family Services) custody up to 21 years of age. Mr. Ashman invited questions from the Board.

Supervisor Bloomfield inquired as to the surveillance upgrades in conjunction with the severity of criminal offences. Answer: About every three to four years the surveillance cameras are upgraded. In addition, he gave a brief history of how the population of offenders changed according to the crimes committed. The question of how the community/surrounding neighbors are notified of an escape? The Town would like to know this procedure for public safety relations. Mr. Ashman explained that periodically staff members perform "mock" escapes where check points are triggered. However, since he has been employed (10 years) at this facility, there have been no attempts to escape. Unfortunately, many of the offenders would rather remain in lock-up instead of going home. Even with their debt resolved, their home life is unstable or in turmoil. As Athletic Director, he tries to make the kids feel like they are not locked-up. Their basketball team plays against teams from different colleges and the Middletown High School. On behalf of the Director, he invited the Board to tour the facility.

Condolences were expressed to the families of Thomas Niesolowski and Fred Nowak. They will be missed by the community.

**EXECUTIVE SESSION:**

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

1. CSEA Negotiation Update
2. Hampton Road Problem Property Update
3. Gurda Site Visit Discussion
4. P.D. Chief Request To Hire Two (2) Part-Time Police Officers

with the intent to return. The motion was seconded by Councilman Lyons. Motion Carried  
Time: 8:45PM

Supervisor Bloomfield reopened the meeting to take action on the following:

Councilman Canterino, made the motion to authorize the hiring of two part-time Police Officers, Michael Olivo and Tommy Watson, effective June 13, 2013, at the rate of \$24.90 per hour. The motion was seconded by Councilman Lyons.

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

Councilman Canterino made the motion to adjourn the meeting. Motion seconded by Councilman Newbold.  
Motion carried.

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Priscilla Gersbeck, Deputy Town Clerk