

TOWN OF GOSHEN
TOWN BOARD WORK SESSION
June 24, 2013

MINUTES

A Work Session of the Town Board of the Town of Goshen was held on 24th day of June, 2013 at Town Hall, located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

PRESENT:	Douglas Bloomfield	Supervisor
	Kenneth Newbold	Councilman
	George Lyons	Councilman
	Philip Canterino	Councilman
ABSENT:	Louis Cappella	Councilman
ALSO PRESENT:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

The Meeting was called to order at 7:30 PM and Supervisor Bloomfield led the Pledge of Allegiance.

1. SET PUBLIC HEARING FOR LOCAL LAW NUMBER 2 OF 2013 "NOTICE OF CLAIM"

PROCEDURE: Supervisor Bloomfield asked Attorney Caplicki to address the proposed Local Law #2 of 2013. Attorney Caplicki explained that the Senate passed an expanded Uniform Notice of Claim Act which names the Secretary of State as agent for Service of a Notice of Claim. This means that a person can file a Notice of Claim with the Town Clerk as usual, or bypass the Clerk and go directly to the Secretary of State.

Attorney Caplicki explained that the State would charge \$250.00 to process the Notice of Claim, and would share that with the Municipality involved. The Board discussed why anyone would want to pay \$250.00 to the State, when they could serve the Town Clerk free. It was decided that it would be good to give the public the option.

TOWN OF GOSHEN
Resolution

Designating the New York State Secretary of State as Agent for Service and Notice of Claim

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman GEORGE LYONS

DATED: June 24, 2013

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York New York, held at Town Hall in said Town on the 24th day of June, 2013.

WHEREAS, the New York State Senate has passed, and the New York State Governor has signed into effect, the Uniform Notice of Claim Act (hereinafter the "Act"),

WHEREAS, Section Six (§6) of the Act amends General Municipal Law by adding a new Section Fifty-Three (§53), effective June 15, 2013, and

WHEREAS, New York General Municipal Law §53(2) requires that all public corporations, who are entitled to service of a Notice of Claim as a condition precedent to commencement of an action or proceeding shall file a Certificate with the Secretary of State designating the Secretary of State as agent for Service of a Notice of Claim, and

WHEREAS, the Town of Goshen must file a Certificate with the Secretary of State no later than thirty (30) days of the date upon which General Municipal Law §53 took effect, and

NOW, BE IT THEREFORE RESOLVED, THE Town Board of the Town of Goshen, duly convened in regular sessions, does hereby resolve as follows:

Section 1. The Clerk of the Town of Goshen be and she hereby is directed and empowered To forward to the New York State Secretary of State a Certificate in the form annexed hereto, pursuant to General Municipal Law § designating the Secretary of State as agent for service to a Notice of Claim where a Notice of Claim is required by law as a condition precedent to the commencement of an action or special proceeding against the Town of Goshen, or any officer, appointee or employee of the Town and to take any and all other actions required to carry out the provisions of this Resolution.

Section 2. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, Which resulted as follows:

Upon Roll Call Vote:

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

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

2. REVIEW AND PASS RESOLUTION TO SET A PUBLIC HEARING FOR A PROPOSED ZONING CHANGE ASSOCIATED WITH THE ABOVE PROJECT: Attorney Caplicki explained this Resolution will start the process whereby the Tam Zoning Board Application for the lands of Kerr can proceed. He said the application will be sent to the Orange County Planning Department as it involves a zoning change. Attorney Caplicki also stated this establishes the Town of Goshen as Lead Agent and types the action as a Type 1 under SEQRA.

Attorney Caplicki stated this would give the Board a head start as far as the Thirty Day Requirement, and the Public Hearing can be set at Thursday's meeting. He said the project has also been referred to our Planning Board.

**TOWN OF GOSHEN
RESOLUTION**

INTRODUCED BY: COUNCILMAN GEORGE LYONS
SECONDED BY: COUNCILMAN PHILIP CANTERINO

DATED: June 24, 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 24th day of June 2013;

WHEREAS, Tam Enterprises, Inc. has been authorized by land owner, Darlene Kerr, and has submitted an application to the Town Board of the Town of Goshen requesting that real property known as Section 12, Block 1, Lot 2.3 and owned by Kerr be re-zoned from RU/CO District (s) to solely CO District for use as a combined garage and office; and

WHEREAS, the Town Board of the Town of Goshen has referred the application to the Town Planning Department for comment, and

WHEREAS, the Town Board of the Town of Goshen wishes to refer the application to the Orange County Planning Department for comment, and

WHEREAS, The State environmental Quality Review Act (SEQRA) requires that Lead Agency with respect to the application be established, and the application typed and it be determined what, if any, environmental studies may be required in analyzing and reviewing the application,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Goshen does hereby refer the subject application to the Orange County Planning Department for comment; designates itself as Lead Agency with respect to the subject zoning change application; and types the action as a Type 1 under SEQRA and requires of the applicant a full environmental assessment form.

Upon Roll Call Vote:

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

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

B. ADJOURNMENT:

Supervisor Bloomfield asked if anyone had any further comments or business, no reply. Councilman Canterino made a Motion to adjourn the meeting, and go into Executive Session to discuss:

1. Negotiation with Mr. Gueron Regarding Establishing Maplewood Water/Sewer
2. MTBE Litigation Update
3. P.D. Personnel Case Update

with intent not to return. The Motion was seconded by Councilman Newbold. Motion carried 4 to 0.

Time: 7:45 pm

Valma Eisma, Town Clerk