

TOWN OF GOSHEN
TOWN BOARD WORK SESSION
August 11, 2014

MINUTES

A Work Session of the Town Board of the Town of Goshen was held on the 11th day of August 2014 at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

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

Also Present:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

The meeting was called to order by Supervisor Bloomfield who led the Pledge of Allegiance.

ITEMS FOR DISCUSSION:

1. PUBLIC HEARING: PROPOSED LOCAL LAW #2 OF 2014 "LOCAL LAW RESCINDING SECTION 17-1 ("ADOPTION OF BENEFITS") OF THE CODE OF THE TOWN OF GOSHEN AND ENACTING IN IT'S STEAD A NEW LOCAL LAW PROVIDING FOR THE DEFENSE AND INDEMNIFICATION OF TOWN OFFICERS AND EMPLOYEES

Councilman Canterino made a Motion to open the Public Hearing for the Proposed Local Law #2 of 2014 "Local Law Rescinding Section 17-1 ("Adoption of Benefits") of the Code of the Town of Goshen and Enacting in it's Stead a New Local Law providing for the Defense and Indemnification of Town Officers and Employees at 7:35 p.m.

The Motion was seconded by Councilman Cappella. Motion carried 5 to 0.

Attorney Caplicki reviewed the proposed law with the Board stating that the change that is being made is to protect the employees and elected officials that serve the taxpayers. He explained that Section 17-1 "Adoption of Benefits" covers insurance that protects the employees and elected officials against ordinary law suits. However, he said there is nothing to protect them from Punitive Damage suits. Attorney Caplicki stated that Punitive Damages are paid by the employee or elected officials themselves. He explained that Punitive Damages are decided by a jury, which may award very high amounts. Such amounts have to be paid by the employee or elected officials, even if they were acting officially with the best of intentions, they could lose all their assets.

Supervisor Bloomfield asked if anyone would like to speak in reference to the proposed Local Law. There was no response from the public.

Councilman Newbold made a Motion to close the Public Hearing. The Motion was seconded by Councilman Cappella. Motion carried be a vote to 5 to 0.

Councilman Lyons made a Motion to adopt Local Law #2 of 2014 "A Local Law rescinding Section 17-1 "Adoption of Benefits" of the Code of the Town of Goshen, and Enacting in its Stead a New Local Law, Providing for the Defense and Indemnification of Town Officers and Employees While Acting Within the Scope of Their Employment. The Motion was seconded by Councilman Newbold.

Upon Roll Call Vote:

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

Vote: Resolution Carried by a Vote of 5 to 0.

STATE OF NEW YORK)

:SS

COUNTY OF ORANGE)

I, Valma Eisma, Town Clerk of the Town of Goshen, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Town Board of the Town of Goshen at a meeting of said Board held on August 11, 2014

VALMA EISMA

- 2. DISCUSS AND APPROVE FINAL DRAFT OF ADC MAPLEWOOD DEVELOPERS AGREEMENT:**
Tabled till next Work Session
- 3. DISCUSS AND APPROVE RESOLUTION TO AUTHORIZE THE CODE ENFORCEMENT OFFICER TO HAVE 340 MAPLE AVENUE PROPERTY CLEANED UP:** Tabled for Thursday's meeting.
- 4. DISCUSS PROPOSED TOWN OF GOSHEN PEDDLER CODE CHANGE:** Attorney Caplicki addressed the Board, and explained that he was working with the Clerk's Deputy on this. She is doing research on what is being used by other municipalities. Tabled for next Work Session.
- 5. INFORMATION: ORANGE & ROCKLAND, INC. IS PLANNING TO USE A "PRIORITY RESPONSE GROUP INITIATIVE" TO FOCUS ON PUBLIC SAFETY BY WORKING WITH MUNICIPALITIES TO OPEN STORM-BLOCKED ROADS:** Supervisor Bloomfield explained that in the past O & R would be working in one area clearing and the Town or Village would be working on their own somewhere else. He said that often one would have to wait for the other to get the job done, now they will try to work together to clear the roads quicker for the public's safety.
- 6. SETTLING OF TAX CERTIORARI LITIGATION, REALTY EQUITIES GOSHEN LLC: TABLED TO THURSDAY'S MEETING.**
- 7. SETTLING OF TAX CERTIORARI LITIGATION: ERIE MURRAY LLC: TABLED TO THURSDAY'S MEETING.**

8. DISCUSS AND APPROVE MVP MEDICAL INSURANCE RENEWAL PROPOSAL AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME: Supervisor Bloomfield said he and Councilmen Canterino and Lyons reviewed the plans that MVP offered, and found the one the Board had in their packet the most favorable to the employees. He turned the meeting over to Councilman Lyons, the Board's Insurance Commissioner. He explained that the C S E A contract states the insurance must be MVP so the Board had to pick one of their plans. He said there were two plans, and after comparing the two they felt the Silver Plan offered the most. Councilman Lyons said the rate for a single employee is \$408.09 a month, the NYSHIP Plan is projected for 2015 to be \$ 850.00 a month.

Councilman Lyon made the Motion to approve the MVP Medical Insurance Renewal Proposal and authorize the Supervisor to sign the same. Councilman Canterino Seconded the Motion.

Upon a Roll Call Vote:

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

Vote: Resolution carried by a vote of 5 to 0

9. ACCEPT RESIGNATION OF WATER AND SEWER DEPARTMENT EMPLOYEE MARK WARREN EFFECTIVE 8/24/2014: The Board agreed they did not want Mark to leave, and all agreed on what a good job he has done in the ten years he has worked with us. Some Board Members have asked Mark not to leave, but he has accepted another job. Councilman Newbold made a Motion to accept the resignation of Mark Warren from the Water & Sewer Department with regret. Supervisor Bloomfield stated "it is with great regret". Councilman Lyons seconded the Motion, Motion carried unanimously. The Board wishes Mark good luck in his new position.

10. DISCUSS AND APPROVE REQUEST FROM CATHOLIC CHARITIES BICYCLE CHARITY TOUR: Supervisor Bloomfield asked if the proof of insurance had been submitted, the Clerk replied yes. Councilman Cappella made a Motion to approve the request from Catholic Charities to conduct it's Orange County Bicycle Club's annual Roads Bicycle Charity Tour on September 14, 2014. Councilman Newbold Seconded the Motion. Motion carried unanimously.

11. DISCUSS AND APPROVE REQUEST FOR THE 27TH ANNUAL TOUR DE GOSHEN ON AUGUST 17, 2014: Councilman Canterino made a Motion to approve the request for the 27th Annual Tour De Goshen to be held on August 17, 2014. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

12. DISCUSS AND APPROVE REQUEST FOR THE HAMBLETONIAN MARATHON: Councilman Newbold made a Motion to approve the request for the Hambletonian Marathon to be held on October 19, 2014. The Motion was seconded by Councilman Cappella, Motion carried unanimously.

13. AMY'S KITCHEN UPDATE: Supervisor Bloomfield said this update tonight is to discuss the size of the plant, which is increasing rapidly. He introduced Thomas Richmond representing Amy's Kitchen. Mr. Richmond said the firm has a problem and needs the Board's help. He stated that sales are growing faster than projected at the beginning. He said when the company first filed the application with the IDA it was for a three hundred fifty thousand square foot manufacturing facility, expanding over time to five hundred

thousand square feet. Mr. Richmond said that application also called for a conference center that would be used by The Science of the Soul., a two hundred thousand square foot shed.

Mr. Richmond said when they went to the Planning Board in June, for the scoping session, they submitted a drawing showing a five hundred thousand plus square foot manufacturing facility, expanding to six hundred sixty thousand square feet. He said this is almost double the size of the original plan, the company is growing even faster than that. Mr. Richard said for all kinds of purposes the company would like to find a way to make this happen.

Mr. Richmond said the trouble is it appears that we won't be able to have both of the facilities on the same site. He said we are thinking of the possibility of another site that might be workable. He said he was here to seek the Board's guidance, and to answer any questions the Board might have. Mr. Richmond stated he was here to answer any questions the Board might have about Amy's or the Science of the Souls.

Supervisor Bloomfield asked if Mr. Richmond might tell the Board about any additional property they have been looking at. Mr. Richmond replied they have been looking at a lot of property, as they and the Board knew from the beginning, the parking demand for the conference center could not be met on the existing property. Therefore, he said they have looked at several nearby properties that could be used just for parking, such as the Strong property. He said there is another parcel they looked at east of the Walkkill River, about 73 acres, actually two parcels. He said the owner has expressed a willingness to lease or sell.

Councilman Canterino expressed concern for the Conference Center, and the fact that that area would be tax exempt. He said Goshen does not have much land for Commercial zoning, and he would not want to give up what little we have for exempt property. He said all of this exempt property in Goshen is a burden to the tax payer.

Councilman Canterino said that he does not understand what Science of the Souls is, as Mr. Richmond refers to the fact that it is not a religious organization, yet it is exempt from paying taxes. Mr. Richmond replied since Science of the Souls is a 501C3 it will be tax free.

There was a lengthy discussion as to where to put Amy's Kitchen on one piece of property, and the Conference Center on another, keeping part on the project on the tax roll in the industrial zoning. Mr. Richmond continued to answer questions as to the size of the project and the progression of the process.

Mr. Richmond thanked the Board for their input, and again said they are committed to the project.

Councilman Cappella made a Motion to adjourn the meeting, and go into Executive Session, with the intent not to return to discuss the Landfill Tax Certiorari update, and a W/S personnel issue. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

Time: 8:45 p.m.

Valma Eisma, Town Clerk

