

**TOWN OF GOSHEN**  
**TOWN BOARD MEETING**  
**October 25, 2012**

**MINUTES**

A Regular Meeting of the Town Board of the Town of Goshen was held on the 25<sup>th</sup> day of October, 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:	Douglas Bloomfield Kenneth Newbold Louis Cappella	Supervisor Councilman Councilman
Absent:	George Lyons Philip Canterino	Councilman Councilman
Also Present:	Dennis Caplicki Valma Eisma	Town Attorney Town Clerk

**A. CALL TO ORDER:** Supervisor Bloomfield called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

**B. AMENDMENT TO THE AGENDA:** None

**C. PRIVILEGE OF THE FLOOR:** No comments

**D. REPORTS:**

**SUPERVISOR BLOOMFIELD** reported that Councilman Canterino is in Europe, and Councilman Lyons is in Maine. He stated that he did not have a report at this time, and asked if either of the Councilman present had anything they would like to report?

**COUNCILMAN NEWBOLD** waived his report.

**COUNCILMAN CAPPELLA** said he would like to report that the Senior Center will be having its Thanksgiving Day dinner at 12:00 noon, on Thursday, November 15<sup>th</sup>, and will be for all Goshen Seniors. He said the price is \$15.00, which will include a full meal, with desert, and entertainment. Councilman Cappella also reported that the meal will be catered by Catherine's, and if anyone is interested in going, to call Ellen Teatum at 294-8545. He asked the Chronicle Reporter to please announce it, as the press release Ellen put out earlier to the papers did not get printed.

Councilman Cappella also reported that the new Dial-A-Bus is on the road.

Supervisor Bloomfield stated he would like to add that there is a conference call scheduled for tomorrow morning with the Orange County Emergency Management Group about the potential impacts of Hurricane Sandy.

**E. OLD BUSINESS:**

- 1. Review and Approve a Contract with the Goshen Humane Society to Provide Dog Control Services:** Supervisor Bloomfield said he had hoped to have a contract in hand to review with the Board in reference to this, but was unable to obtain it.

- 2. Review and Approve Request for Town Acceptance of Cannon Hill Road From the Developer, Release of the Performance Guarantee and Establishment of a Maintenance Bond:** Supervisor Bloomfield asked Attorney Caplicki to address this. Attorney Caplicki explained this has been before the Town for over 18 months, about a year and a half. He said this is the company known as NYTT,LLC, and has either completed the work, or the project in that area, and Cannon Hill is the road that services them.

Attorney Caplicki reported that at this time the Planning Board, the engineers, Superintendent of Highways and this Board have approved it, and it is finalized and finished. He stated the Board is in a position now to move it along for dedication. He said there is a second Motion to this, but it will not be done tonight. He said the second Motion will be done in regard to the Performance Bond and the establishment of a Maintenance Bond. He also called attention to the "Now, Therefore, Be It Resolved" section of the following Resolution, and also the "Be It Further Resolved" section which addresses the easements and the title search that need to be addressed. Attorney Caplicki said there are also various fees that the applicant will have to pay going forward. He said this Resolution allows the applicant to move forward, however if all the contingencies are not met, the road will not be accepted by the Town.

Supervisor Bloomfield called for a Motion to move the following Resolution:

**TOWN OF GOSHEN  
RESOLUTION**

**Authorizing Acceptance of Dedication Materials with respect to Cannon Hill Drive;  
NYTT,LLC to Town of Goshen Town Hall**

**INTRODUCED BY:** Councilman Kenneth Newbold  
**SECONDED BY:** Councilman Louis Cappella

DATED: October 25, 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 25<sup>th</sup> Day of October 2012;

**WHEREAS, NYTT, LLC**, owner and developer of property located at 22 Cannon Hill Drive, Goshen, New York, as part of the subdivision process completed by the Planning Board of the Town of Goshen required NYTT,LLC to dedicate to the Town of Goshen those lands and real property lying within the proposed right-of-way of Cannon Hill Drive and certain other project easements, and

**WHEREAS, NYTT, LLC**, has submitted to the Attorney for the Town of Goshen all of the necessary documents to transfer to the Town of Goshen that portion of Cannon Hill Drive as owned by NYTT, LLC, and to be dedicated to the Town of Goshen for use for road purposes and such other easement materials as were required by the Planning Board of the Town of Goshen, and

**WHEREAS**, the Town Engineers, Riddick Associates, have inspected the road area and the project and have recommended that the road dedication and easement materials be approved and accepted by the Town Board of the Town of Goshen; and

**WHEREAS**, Dennis P. Caplicki Esq. as attorney for the Town of Goshen has reviewed said proffered road and easement dedication materials, and found same to be in acceptable form,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Goshen does hereby acknowledge and receive the proffered materials with respect to the dedication of that portion of Cannon Hill Drive owned by NYTT, LLC, and to be dedicated to the Town of Goshen and those easements in connection

with the project as per the requirements of the Planning Board of the Town of Goshen pursuant to approval of the NYTT/ LLC/Jersey Truck and Trailer project subject to, and contingent upon said materials being submitted to, and being in acceptable form to Benchmark Title Agency, LLC, and the payment of all title charges and filing fees as required by the Orange County Clerk's Office for said materials; and

**BE IT FURTHER RESOLVED**, that upon submission to, and acceptance by Benchmark Title Agency, LLC of the proffered materials together with the appropriate amount of title and filing fees; the issuance by Benchmark Title Agency, LLC of the pertinent fee policies of title insurance to the Town of Goshen; and the acceptance of the pertinent proffered materials and filing fees by the Orange County Clerk's Office for said materials, the Attorney for the Town of Goshen is authorized to sign any and all documents necessary to effectuate the subject dedication, and transfer.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 3 to 0.

**3. Review and Approve Resolution to Settle a Tax Certiorari With KRG:** Attorney Caplicki explained the Board has been waiting for the settlement material, and he said he is in receipt of them at this time. He said the Board does not have a copy of the stipulations, but he has them if the Board would like to review them. He said everything is set up for his signature as the Town Attorney. He explained that this is the garage/warehouse facility on Industrial Drive, which was sold by the owners at a price of \$700,000 Dollars. He reviewed the following Resolution with the Board, and Supervisor Bloomfield called for a Motion.

Councilman Cappella stated that he would like to have it understood, that the board is voting on this tonight, however the two Board Members absent this evening are aware of this and approve. Supervisor Bloomfield agreed, saying it was discussed at the Work Session on Monday evening.

## **TOWN OF GOSHEN RESOLUTION**

### **SETTLING OF TAX CERTIORARI CLAIM; KRG REALTY COMPANY**

**INTRODUCED BY:** Councilman Louis Cappella  
**SECONDED BY:** Councilman Kenneth Newbold  
**DATED:** October 25, 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 25<sup>th</sup> day of October, 2012

**WHEREAS**, KRG Realty Co. 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 2009-10, 2010-11, and 2011-12 and 2011-13 tax assessment years bearing Orange County Index #'s 2009-7126, 2010-7355, 2011-6829 and 2012-5896; and

**WHEREAS**, it appears from the recommendations(s) of the Town Assessor, the Town's Appraiser and Dennis P. Caplicki Esq., counsel for the Town of Goshen in the aforesaid proceedings, 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**, KRG Realty Co. is willing to settle these proceedings without interest, costs or disbursements, in the following manner;

- (1) That the proceedings for the 2009-10 tax year be confirmed at an assessment of \$950,000
- (2) That the proceeding for the 2012-11 tax year be confirmed at an assessment of \$775,000
- (3) That the proceeding for the 2011-12 tax year be confirmed at an assessment of \$700,000
- (4) That the proceeding for the 2012-13 tax year be confirmed at an assessment of \$700,000

That petitioner's real property taxes for the years 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, 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 2013-14, 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 of 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>AYE</u>	Councilman, Phil Canterino	<u>ABSENT</u>
Councilman, Louis Cappella	<u>AYE</u>	Councilman, Kenneth Newbold	<u>AYE</u>
Councilman, George Lyons	<u>ABSENT</u>		

Vote: Resolution carried by a vote of 3 to 0.

**F. FINANCES:** Councilman Newbold made a Motion to authorize the Supervisor to pay Accounts Payable Check Run for 10/18/2012 amounting to \$109,023.02, and Manual A/P Runs as of 10/24/2012 amounting to \$398,948.44. The Motion was seconded by Councilman Cappella. Motion carried with a vote of 3 to 0.

**G. PRIVILEGE OF THE FLOOR:**

Joel Markowitz asked a question (inaudible, did not use mike). Supervisor Bloomfield answered saying basically the Town has negotiated with the County for them to take the leadership of operating the assessing operation for the Town of Goshen, and said they are already doing this for the Town of Chester. The Supervisor stated that what will be done, "not in concrete yet" the Town will have a part time assessor, a part time assistant assessor, a part time data clerk, and a full time clerk, that is an employee of the Town of Goshen. He explained that the three part timers will be employees of the

County of Orange. The Supervisor continued saying that this is a cost savings to the Town, and it is a two year contract.

There was a lengthy discussion as to the general way it will be handled, and if the data gathered for the revaluation that was done can be used. Supervisor Bloomfield and the Board assured him that the data will definitely be used.

Mr. Markowitz asked about the asbestos in the Salesian School Building. He said he felt that even if the demolition of the school building is going to be so expensive, the liability of it is such that even if it has to be bonded, it needs to be done. Supervisor Bloomfield replied the Board has plans, he said they are going to find out what the cost of the abatement of the asbestos will be by itself, but we need to meet with the Village. He said we might very well remove the asbestos, knock the building down in place, and deal with it's removal, etc. over time.

Mr. Markowitz asked about the item on the Executive Session in reference to the MTBE Litigation. Attorney Caplicki and the Supervisor stated they could not comment to this at this time.

**H. EXECUTIVE SESSION:**

With no further comments from the public, Councilman Cappella made the Motion to adjourn the meeting, and go into Executive Session, with intent not to return to discuss:

1. The Status of MTBE Litigation
2. Jedi Group.

The Motion was seconded by Councilman Newbold. Motion carried 3 to 0.

Time: 8:00 p.m.

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Valma Eisma, Town Clerk