

TOWN OF GOSHEN
TOWN BOARD COMBINED WORK SESSION AND REGULAR MEETING
November 25, 2013
MINUTES

A Combined Work Session and Regular Meeting of the Town Board of the Town of Goshen was held on the 25th day of November, 2013 at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

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

Also Present:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

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

B. AMENDMENT TO THE AGENDA: Supervisor Bloomfield stated he had two.

1. Item #2 re: Generic Conservation Easements for Open Space With Farming Potential: Supervisor Bloomfield explained that Building Inspector Halloran had given him the Draft of the Generic Conservation Easement late in the afternoon, but he did not have the time to review it. The Supervisor stated the Board will review it and address it at the December 9th Work Session.

2. Supervisor Bloomfield referred to #1 under New Business (Review and Approve Tax Levy for Unpaid 2014 Water/Sewer bills, and Property Maintenance) and explained that the Property Maintenance part is not available at this time, and will have to be addressed at the December 9th meeting also.

C. PRIVILEGE OF THE FLOOR (agenda items only) Mr. James Rogers stated he would like to speak on the status of Sutton Place (#3 on the Agenda, Sunset Ridge Subdivision) He does not live there, but his son John Rogers does. He said they are concerned about the fact that the subdivision began nine years ago, it is still a private road, and does not have it's top coat, trees and markers. He said their concern is that they understand there is a Performance Bond or Maintenance Bond on the project for \$95,000. However, he spoke to the Highway Superintendent and was told that there is no way the work remaining can be done for \$95,000. Mr. Rogers spoke to the Building Inspector and was told that he does not want to accept the road until all the remaining seven lots are sold.

Mr. Rogers stated that he understood, that at one time, the Town had reduced the Performance bond to the amount of \$95,000. Supervisor Bloomfield stated he believed that was done in 2005. Mr. Rogers asked if there is any way that the bond amount could be raised since there is not

enough money to finish the work required? Supervisor Bloomfield referred the question to Attorney Caplicki, who replied he would have to research this, as he was not here at that time.

There was a lengthy discussion as to whether the bond could be increased at this point and how it was reduced to that amount when there was that much work to be done yet. John Rogers spoke, but did not use the microphone, his statements were inaudible. Attorney Caplicki will look into the possibility of asking the developer to increase the amount of the bond. He said the fact that he has seven more lots to develop could give the Board some leverage to do so. Taking the mike, John asked if as a homeowner would he have to make up the difference between the \$95,000 and the real amount of money that will be necessary to complete the road. Attorney Caplicki replied this is not usually the case, and he will review the history of the developer, and why the subdivision has become inactive. He and the Board will stay in contact with the Rogers, and hopefully find a solution to the problem.

D. REPORTS:

COUNCILMAN PHILIP CANTERINO reported that he spoke to the Police Chief, and everything seems to be going well. The department has its new car, and has not yet disposed of the old one, as they are using it for parts. Councilman Canterino said that Police Chief James McDowell is doing a great job cutting expenses such as overtime, etc.

COUNCILMAN GEORGE LYONS reported the following for Joint Recreation: The Turkey Trot, a 3K run, was held on 11/16. There were 60 runners, and a thank you goes out to the Town and Village Police, and Joint Recreation staff for all the work they did, along with the volunteers.

Winter Zumba classes are continuing from 6:30 to 7:30 p.m. on Thursdays, at the Senior Center.

The bathrooms at Salesian have been sanitized and closed, and the Myron Urbanski Park bathrooms will be closed next week.

COUNCILMAN KENETH NEWBOLD reported he called Highway Superintendent Broderick Knoell last week, and thanked him for all of the manholes his men have repaired in Arcadia Hills. He said the residents there are very happy with the job and also with all the work that Highway has done on Arcadia Road.

All the Water/Sewer Districts are doing well financially, and have money in the bank. Councilman Newbold said he would like to thank his co-chair, Supervisor Bloomfield for doing a great job.

COUNCILMAN LOUIS CAPPELLA reported that Highway is getting prepared for this year's winter storms, now that all the blacktopping, etc. is finished for the year.

He reported the last outing that the seniors had was held at the Gourmet Shop, last Saturday, with ten seniors participating. He said they are waiting to see if the Chamber of Commerce wants to continue with this program, as November was scheduled to be the last month.

Councilman Cappella said that the Supervisor would be speaking on the Dial - A - Bus later on in the meeting, and the Senior Center is doing fine.

SUPERVISOR DOUGLAS BLOOMFIELD reported when the water/sewer bills went out this time, there was still money in the bank, the first time in his eight years as Supervisor. He said this was very good, it means that we are rated properly, even though maintenance and repairs have been done during this time span.

Supervisor Bloomfield stated that at the last meeting the Board had talked about the installation of a variable frequency controller on the sewer lift station pumps in Arcadia Hills. He said nothing has been done yet, as they would like the input of Tam Enterprises to find out what would be involved in putting in a new sewer line.

E. DISCUSS ADC MAPLEWOOD DEVELOPERS AGREEMENT WITH THE TOWN OF GOSHEN AND EXPANSION OF THE HAMBLETONIAN PARK WATER AND SEWER DISTRICTS:

Supervisor Bloomfield asked Attorney Caplicki to address this. Attorney Caplicki referred to a Memo the Board has in front of them, explaining that this "Developer's Agreement" has been submitted by the attorney for the developer, and was modified by his office. He said the report was being submitted to the Town Board as a proposal and status report, as his office is awaiting either acceptance of the agreement as attached or further comments from the developer and/or its professionals. He said what this is a final draft copy, and he would hope to have the finalized version prior to the next Town Board Meeting.

The Board discussed the draft, modifications, number of homes, and what should be altered or eliminated. The Board was concerned about the type of homes that will be built, and the way the money that will be paid is spent. The Board also discussed the length of time in which the project would be finished.

Supervisor Bloomfield stated he felt this draft reflects what the Board originally agreed to. It was decided that the Attorney will make the changes the Board has requested, and present an updated draft for the December 9th meeting.

3. DISCUSS CURRENT STATUS OF SUNSET RIDGE SUBDIVISION (aka SUTTON PLACE) PERFORMANCE GUARANTEE TO EXPIRE DECEMBER 2, 2013: Discussed earlier in Privilege of the floor.

F. NEW BUSINESS:

1. REVIEW AND APPROVE RESOLUTION FOR TAX RELIEF OF UNPAID WATER/SEWER BILLS AND PROPERTY MAINTENANCE TO THE 2014 TAX BILLS: Discussed in Amendments to the agenda. Will be addressed at December 9th meeting.

2. DISCUSS AND APPROVE RESOLUTION AUTHORIZING THE SUPERVISOR TO HIRE RICHARD B. GOLDEN, ESQ. TO REPRESENT THE TOWN OF GOSHEN IN ARBITRATION CASES: Attorney Caplicki reviewed the following Resolution with the Board.

**TOWN OF GOSHEN
RESOLUTION**

**Designation and Hiring of Richard B. Golden Esq./Burke, Miele, Golden, LLP as special
Counsel to Represent the Town of Goshen with Respect to Police Grievance/Arbitration
Proceedings**

**INTRODUCED BY: Councilman Louis Cappella
SECONDED BY: Councilman Kenneth Newbold
DATED: November 25, 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 25th day of November, 2013.

WHEREAS, the Town of Goshen has received numerous grievance complaints and demands for arbitration by members of the Town of Goshen Police Department with respect to miscellaneous contract, law enforcement, and police issues, and

WHEREAS, that the Town of Goshen needs to hire/retain special counsel to represent the Town of Goshen with respect to said grievances and participate in any attendant arbitration proceedings,

NOW, BE IT THEREFORE RESOLVED that the Supervisor of the Town of Goshen, on behalf of the Town of Goshen, is authorized to hire/retain Richard B. Golden Esq. /Burke, Miele, Golden LLP at regular prescribed municipal hourly rates as special counsel to represent the Town of Goshen with respect to grievances and/or arbitrations proceedings demanded of and/or brought against the Town of Goshen with respect to the municipal police contract and/or law enforcement and police issues

Upon Roll Call Vote:

Supervisor Douglas Bloomfield	<u>AYE</u>	Councilman Philip Canterling	<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.

3. DISCUSS AND APPROVE CHRISTINE CAVALIERE'S REQUEST TO ATTEND THE DOWNSTATE REGION HOLIDAY SEMINAR ON DECEMBER 6TH IN EASTCHESTER AT COST NOT TO EXCEED \$150.00: Supervisor Bloomfield reviewed Ms. Cavaliere's request to attend the seminar. He explained that the education will be helpful to her and the town in the future the cost of the seminar is \$135.00, however Supervisor Bloomfield suggested \$150.00 to allow for food. Councilman Cappella made the Motion to approve Christine Cavaliere's request to attend the

Downstate Region Holiday Seminar on December 6th, in Eastchester at a cost not to exceed \$150.00. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

4. DISCUSS GOSHEN HUMANE SOCIETY'S REQUEST TO OBTAIN GIFT MONIES FROM THE TOWN OF GOSHEN FOR A MUCH NEEDED CAT CAGING SYSTEM:

Supervisor Bloomfield reviewed the request with the Board, explaining the need and the layout plan that Mrs. Bosley sent explaining how the cat cages would be set up. He said there is a definite need for the cages, due to the number of cats and kittens they handle. The Supervisor said he spoke to the Budget Officer and there are funds available if the Board should decide to act on this. He thought perhaps \$7,000 would be a good amount to offer. He said he visits the Shelter regularly, and has seen the need. He suggested the Board might want to take a look for themselves. The Supervisor stated that they seem to be doing a great job.

Councilman Cappella made a Motion to approve a gift of \$10,000 for the Humane Society to purchase the cat cages, the Motion was seconded by Councilman Newbold. Motion carried 5 to 0.

5. INFORMATION: THE TOWN BOARD OF CHESTER HAS INFORMED THE GOSHEN TOWN BOARD THAT THEY WILL CONTRIBUTE "NO MORE THAN \$25,000 ANNUALLY "TO THE GOSHEN & CHESTER DIAL--A-- BUS BEGINNING IN 2014. AN ANALYSIS OF IMPACT IS CURRENTLY BEING DONE BY THE BUDGET OFFICER AND SUPERINTENDENT OF HIGHWAYS:

Supervisor Bloomfield addressed the Board stating that he received a letter from the Town Clerk of Chester informing him that a Resolution was passed by the Town Board of Chester at their November meeting, limiting the funding for 2014 of the Towns of Goshen & Chester Dial-a-Bus program to no more than \$25,000. Supervisor Bloomfield stated that until now, the Town was receiving much more from Chester. He said that this letter came after our budget was already passed, and Dial-A-Bus is included in that budget.

Supervisor Bloomfield said he has asked the Highway Superintendent, the Budget Officer, and Councilman Cappella to meet and analyze this problem, and report back to the Board what effect this will have on Dial-A-Bus. He said the Board will discuss it further in Executive Session, and address it further at the December 9th meeting.

Attorney Caplicki stated he had another matter he would like to address that involves Woodland Estates aka the Houston Estates. He explained the Planning Board had requested some revisions to the map. Attorney Caplicki said the developer drew them up, and " I have them with me tonight. The Planning Board and the engineers have reviewed and approved them, but tonight we need a Resolution to authorize the Supervisor to sign them."

Attorney Caplicki reviewed the Resolution with the Board, and Councilman Newbold made a Motion to authorize the Supervisor to sign the easement agreement. Councilman Canterino seconded the Motion. The Board discussed the Resolution further, and found several items objectionable. Supervisor Bloomfield suggested it be done at a later meeting, so that the objections could be addressed.

Councilman Newbold withdrew his Motion, and Councilman Canterino withdrew his second. Motion denied. Project will be addressed at the next meeting.

Attorney Caplicki suggested that the advocates for the project should be present at that meeting, members of the Planning Board, the Planning Board attorney, the petitioner and their attorney, the engineer and possibly the Highway Superintendent. Supervisor Bloomfield asked Attorney Caplicki to arrange for the pertinent professionals to attend the meeting.

G. FINANCE: Councilman Canterino made a Motion to authorize the Supervisor to pay Accounts Payable Check Run of 11/21/2013 amounting to \$97,833.42. Motion seconded by Councilman Cappella. Motion carried 5 to 0.

H. PRIVILEGE OF THE FLOOR: No response.

I. ADJOURNMENT: Councilman Cappella made a Motion to adjourn the meeting and go into Executive Session, with intent not to return to discuss:

1. Status of Dennis Marsh Litigation
2. Status of P.D. Personnel Case
3. Status of Turi Landfill Certiorari

the Motion was seconded by Councilman Canterino. Motion carried 5 to 0.

Time: 9:10 p.m.

Valma Eisma, Town Clerk

