

TOWN OF GOSHEN  
TOWN BOARD WORK SESSION  
**December 9, 2013**  
MINUTES

A work session of the Town Board of the Town of Goshen was held on the 9th day of December, 2013 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
	Louis Cappella	Councilman
	George Lyons	Councilman
	Kenneth Newbold	Councilman

Also Present:	Dennis Caplicki	Attorney for the Town
	Priscilla Gersbeck	Deputy Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:31pm, followed by the Pledge of Allegiance.

**1. DISCUSS ADC MAPLEWOOD DEVELOPERS AGREEMENT WITH THE TOWN OF GOSHEN AND EXPANSION OF HAMBLETONIAN PARK WATER AND SEWER DISTRICTS AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME**

Attorney Caplicki is hopeful that the ADC Maplewood Developers Agreement will be ready for review and approval in the two remaining meetings of this year.

**2. DISCUSS AND APPROVE DRAFT OF A GENERIC CONSERVATION EASEMENT FOR OPEN SPACE WITH FARMING POTENTIAL**

Neal Halloran, Building Inspector, reviewed the aforementioned easement. Many of the changes pertain to page 2, *Section 2. Restrictions Applicable to the Conserved Premises: A-L*. Attorney Caplicki advised the Board of the potential undesirable implications this document alludes to. According to the agreement, the upkeep and maintenance of the conservation easement is the sole responsibility of the grantor. However, the guidelines of certain restrictions are vague.

In summary: this conservation easement is part of open space and if someone wants to use it for agricultural purposes that would alter the concept of open space. The conservation easement enables the buyer to beware of the restrictions before the purchase.

A closer look revealed some computer generated format errors. A clean copy will be presented at the next meeting for approval.

**3. DISCUSS STATUS OF THE JRC PROJECT PROPOSALS FOR LIGHTING AND IRRIGATION OF THE URBANSKI PARK SOCCER FIELD**

Councilman Lyons reported that the bids for lighting at the Myron Urbanski Park came in more than double (\$219,000 and \$199,000) than was expected. At this point, the JRC is seeking to just bring electricity into the park. The electricity is potentially for grounds lighting, security, safer parking,

pavilion lights and lighting the score board etc.

The JRC has to obtain three quotes to have electricity installed. The first quote is for \$9,500 which will be paid for by the Soccer Club. The Village and the Town will do the trench work. Next, bids will be obtained for an electrician to hook the main line to a conduit to be fed out. There was a lengthy discussion on the bidding procedure and the timing of the self-contained, whole project completion date, and the legality involved.

**4. DISCUSS AND APPROVE D.M. EQUITIES EASEMENT DOCUMENTS**

Kelly Naughton (Planning Board Attorney) addressed the Board displaying a map of D.M. Equities, Meadows of Goshen off of Maple Ave. She pointed out the location of the drainage easement which is between lots 7 & 8. The field change was to fill in a rather large gorge and install drainage pipes. The lot owners of 7 & 8 will be responsible for the maintenance of the drainage easement, and the Town will have the right, but not the obligation to enter the easement area for any necessary repairs. The cost of any such repairs will be charged back to the owners of Lots 7 & 8.

Councilman Lyons made the motion to authorize the Supervisor to sign any and all documents in connection with the drainage easement on Lots Seven and Eight in the Meadows of Goshen subdivision. Councilman Cappella seconded the motion.

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.

**5. DISCUSS AND APPROVE WOODLAND ESTATES EASEMENT DOCUMENTS**

Woodland Estates subdivision is located off Houston Road. Attorney Kelly Naughton provided a map to the Board showing that the drainage easement located on Lots 19 and 20, which crosses Lot 20 has been abandoned. The Planning Board approved an Amended Subdivision Plat with a new drainage easement located on Lot 6. The drainage is proposed to drain from Lot 6 into a pipe, cross under Abbe Road, and drain into the pond behind Lot 20. The owners of those properties shown on the subdivision plat that are encumbered by the drainage easement will be responsible for the maintenance of the drainage facilities on their property. The easement provides the Town the right, but not the obligation, to enter into the easement areas for any necessary repairs. The cost of any such repairs will be charged back to the owner failing to maintain the drainage facility.

Councilman Newbold made the motion to authorize the Supervisor to sign any and all documents necessary to effectuate the filing of the drainage easements in connection with the Woodland Estates subdivision. Councilman Lyons seconded the motion.

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. DEVELOP PATH FORWARD FOR REPAIR OF THE TOWN HALL CUPOLA**

The cupola is in dire need of repair. It was thought that the cupola could be taken off the roof and repaired. However, it is attached in such a way, that it must be repaired on the roof; so must the shingles around it. Riddick Associates will prepare a RFP for competitive bidding. Meanwhile, we will contact Assemblyman James Skoufis requesting the possibility of receiving grant money for the repair.

**7. DISCUSS STATUS OF TOWN HALL WINDOW REPLACEMENT PLANNING**

Presently, the windows in the Town Hall are not energy efficient and hard to secure. Councilman Newbold has received estimates for replacing the windows. However, the estimates are more than anticipated and may need a RFP for the window upgrade. This will be tabled for a later date pending the outcome of the cupola project.

**8. INFORMATION: THERE HAS BEEN A RECENT INCREASE IN SALES/CLOSINGS ON FORECLOSED HOMES IN THE TOWN**

Vacant homes since 2008/2009, in Arcadia Hills and Hambletonian Park are being sold. This recent surge in sales has been brought to our attention through the water & sewer department. It seems as if the housing market is turning around.

**9. DISCUSS 2014 LIABILITY INSURANCE PROPOSAL**

Councilman Lyons met with Greg Townsend of Marshall & Sterling Insurance Co. to review competitive bids for the Town's 2014 Liability coverage. It was decided to select US Specialty Inc. Co. under Houston Casualty Co. At a preferred rate, the total premium is \$78,704.66.

Councilman Lyons made the motion to accept Houston Casualty Co. at the total of \$78,704.66 for 2014 as brokered by Marshall & Sterling Insurance Company. Councilman Cappella seconded the motion.

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

10. DISCUSS AND APPROVE THE PROPOSED TAX CERTIORARI SETTLEMENT FOR GOLDVEST REALTY CORP.

Attorney Caplicki reviewed the following resolution to settle the tax certiorari for Goldvest Realty Corp. (Cravings-Route 17M).

**TOWN OF GOSHEN  
RESOLUTION**

**Settling of Tax Certiorari Claim; Goldvest Realty Corp., Section 12 Block 1 Lot 70.1**

INTRODUCED BY: Councilman Philip Canterino  
SECONDED BY: Councilman Kenneth Newbold  
DATED: December 9, 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 9th day of December, 2013

WHEREAS, Goldvest Realty Company have commenced tax certiorari proceedings against the Town of Goshen et al in the Supreme Court of the State of New York, County of Orange for the 2010 - 2011, 2011-12, 2012-13, and 2013-2014 tax assessment years bearing Orange County Supreme Court Index numbers 8510/10, 7061/11, 6622/2012, and 6497/2013 and

WHEREAS, It appears from the recommendation(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 through 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, Goldvest Realty Company is willing to settle these proceedings without interest, costs or disbursements, in the following manner;

- (1) That the proceeding for the 2010-11 tax year be confirmed at an assessment of \$435,000
- (2) That the proceeding for the 2011-12 tax year be confirmed at an assessment of \$400,000
- (3) That the proceeding for the 2012-13 tax year be confirmed at an assessment of \$400,000
- (4) That the proceeding for the 2013-14 tax year be confirmed at an assessment of \$400,000

That petitioner's real property taxes for the years 2010-11, 2011-12 and 2012-2013 and 2013-14 be adjusted accordingly and that the petitioner be reimbursed, if paid, for any overpayment, without interest, if paid 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 2014-15, 2015-16 and 2016-17 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 the Assessor of the Town of Goshen, Dennis P. Caplicki, Esq., Matthew Caplicki Esq. as Attorneys 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>	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.*

### EXECUTIVE SESSION

Councilman Lyons made the motion to enter into Executive Session to discuss the following:

1. DISCUSS STATUS OF DIAL-A BUS CHESTER/GOSHEN ANALYSIS
2. DISCUSS STATUS OF TAX CERTIORARIS
3. DEVELOP PATH FORWARD REGARDING SUMP PUMP HOOK UP VIOLATION
4. DISCUSS POLICE DEPT. LITIGATION

with the intent not to return. The motion was seconded by Councilman Cappella. Motion carried.

Time: 10:05PM

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Priscilla Gersbeck, Deputy Town Clerk