

TOWN OF GOSHEN  
TOWN BOARD MEETING  
December 12, 2013

MINUTES

A Regular Meeting of the town Board of the Town of Goshen was held on the 12th day of December, 2013 at Town Hall located t 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:

Broderick Knoell	Highway Superintendent
Dennis Caplicki	Town Attorney
Valma Eisma	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:** Attorney Caplicki stated he is adding a Resolution to settle a Tax Certiorari Claim re: Empire Electric Motors, Inc. Supervisor Bloomfield said he would place it as #5 under Old Business.

**C. PRIVILEGE OF THE FLOOR** (agenda items only) No response

**D. OLD BUSINESS:**

**1. APPROVE FINAL DRAFT OF A GENERIC EASEMENT FOR OPEN SPACE WITH FARMING POTENTIAL:** The Board reviewed the draft, and approved it. Councilman Cappella made a Motion to authorize the Supervisor to Sign the Declaration of Conservation Easement between the Town of Goshen and Alida Persoon as Executrix of the Estate of Peter C.M. Persoon. The Motion was seconded by Councilman Newbold, Motion carried 5 to 0.

**2. STATUS UPDATE TURI LANDFILL LITIGATION:** Attorney Caplicki stated that Turi Landfill Inc. would like assurance on certain stipulations, and detailed calculations of the monetary amount. There was some discussion about the terms of the non-payment of taxes. Councilman Canterino commented that this goes back at least six to eight years. There was a mutual agreement between the Town, County and the Petitioner, what, then is the holdup? The Board agreed and after an extensive discussion, it was agreed that Attorney Caplicki would go back to the Petitioner and express that "time is of the essence".

**3. STATUS UPDATE ADC MAPLEWOOD DEVELOPERS AGREEMENT:** Attorney Caplicki stated he was still waiting for further information, and he would contact the petitioner and his attorney, and hopefully have everything for the December 19th. meeting.

**4. APPROVAL OF MINUTES:** Councilman Lyons made a Motion to approve the minutes of the Work Sessions of October 7th and October 21, 2013, and the Regular Meetings of October 10th and October 24, 2013. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

**5. SETTLING OF TAX CERTIORARI: EMPIRE MOTORS, INC.**  
Attorney Caplicki reviewed the following Resolution with the Board, and it was acted upon.

**TOWN OF GOSHEN  
RESOLUTION**

**SETTLING OF TAX CERTIORARI CLAIM: EMPIRE ELECTRIC MOTORS, INC  
SECTION 12, BLOCK 1, LOT 70.1**

**INTRODUCED BY:** Councilman Philip Canterino  
**SECONDED BY:** Councilman George Lyons

**DATED: December 12, 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 12th day of December, 2013

**WHEREAS**, Empire State Electric Motors, Inc. 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 2012-2013, 2013-2014 tax assessment years bearing Orange County Supreme Court index numbers 6549/2012 and 5993/2013; 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 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**, Empire State Electric Motors, Inc. is willing to settle these proceedings without interest, costs or disbursements, in the following manner; and

- (1) That the proceeding for the 2012-2013 tax year be confirmed at an assessment of \$350,000
- (2) That the proceeding for the 2013-14 tax year be confirmed at an assessment of \$325,000

That petitioner's real property taxes for the years 2012-13 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>YES</u>	Councilman, Philip Canterino	<u>YES</u>
Councilman, Louis Cappella	<u>YES</u>	Councilman, Kenneth Newbold	<u>YES</u>
Councilman, George Lyons	<u>YES</u>		

Vote: Resolution carried by a vote of 5 to 0.

#### **E. NEW BUSINESS:**

##### **1. INFORMATION: ORANGE COUNTY ACCOUNTING CHANGE REGARDING CERTIORARI**

Supervisor Bloomfield addressed the Board in reference to a letter from the Department of Finance in regard to the Tax Certiorari. He read the following section of the letter to the Board:

The manner in which your town must settle future Tax Certiorari cases that have closed and resulted in refunds that the Orange County has paid on behalf of your town will be significantly different.

Effective November 2013, the Orange County Finance Department-Real Property Tax Division, will send your town a notice of billing for refunds paid by the County on behalf of your town as a result of these settled/closed tax certiorari cases. In the past, we have sent your town these notifications telling you that these cases will ultimately result in a charge back to your Town and or Special District(s) within your town. Pursuant to New York State Real Property Tax Law Section 726, paragraph 4, requires that this payment of all amounts charged to a town or a special district shall be included in the next annual budget of such town or special district. The town shall be responsible for full payment for Orange County for the Town portion, and all its special districts. The town will then need to reconcile with its special districts.

**F. FINANCE:** Councilman Canterino made a Motion to authorize the Supervisor to pay Accounts Payable Check Run for 12/12/2013 amounting to \$5,050.21. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

**G. PRIVILEGE OF THE FLOOR:**

Robert Smith, 22 Brookside Drive, addressed the Board expressing concern for the night time lights proposed for the soccer fields at the Myron Urbanski Park on Craigville Road. He stated that he and the other neighbors adjacent to the park live with the noise created by the activities constantly, not only on Saturday, but Sunday too. He stated that is bad enough, but now they will have to listen to it even at night. He asked if the Board could do something to stop it. He said he felt that he and his neighbors should be "entitled to the quiet enjoyment of their property."

Councilman Lyons informed Mr. Smith that the Soccer Club had explored the cost of the lighting, and it was much higher than they thought it would be. Therefore, at this time the lights are on hold.

There was a lengthy discussion between Mr. Smith and the Board. Supervisor Bloomfield stated there was really no law against the lights, but the Board would do all they could to mitigate the situation to the satisfaction of all.

**H. ADJOURNMENT:** Councilman Canterino made a Motion to adjourn the meeting, with intent not to return, and go into Executive Session to discuss the following:

1. Review Dial-A-Bus Goshen/Chester Financial Analysis
2. Status Update on Sump Pump Violation.

The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Time: 8:25 p.m.

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Valma Eisma, Town Clerk