

TOWN OF GOSHEN
TOWN COUNCIL WORK SESSION
February 11, 2008

MINUTES

A work session of the Town Council of the Town of Goshen was held on the 11th day of February, 2008 at 7:30pm at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

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

Also Present:	Dennis Caplicki	Attorney for the Town
	Susan Maysels	Deputy Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:30pm.

The Supervisor announced that agenda items 1, 2, 3 will be heard in reverse order to accommodate Town Staff working overtime to present reports to Council.

3. WATER AND SEWER RATE CHANGE

Budget Officer William Standish presented alternative rate structures for the four Town water and sewer districts. The goal is to spread the basic operating costs more evenly among users. Mr. Standish handed out sheets showing the impact of eliminating 3 of the 5 tiers from the rate structure. With just 2 tiers, the thresholds could be **(a)** less than 15,000 gallons and **(b)** over 15,000 gallons. This will allocate the operating costs more equitably, which means those in the lowest tier at present (less than 5,000 gallons), will see an increase.

Council discussed various means of allocating costs to users and the pros and cons of the different methods. Councilmember Cappella stated that every household should pay the same base amount for fixed operating costs then a per gallon fee based on usage. In this way, high consumption is paid by the consumer, and conservation is rewarded with a smaller bill. Mr. Standish explained that the districts' accounting is not currently structured in a way that separates administrative or base overhead costs from all other operating costs. Supervisor Bloomfield said it would not be possible to separate administrative or fixed overhead from operating expenses. Councilmember Canterino and Councilmember Lyons felt it was important to encourage conservation. If the lowest tier changes from a fixed rate for 5,000 gallons or less, to a fixed rate for 15,000 or less, there is no incentive to use less than 15,000 gallons. Councilmember Newbold agreed that if there is a high minimum, users will let hoses run on their lawns to get their money's worth. Supervisor Bloomfield asked if tiers could be eliminated and users billed strictly per gallon of use. Under this method, a per gallon price is calculated by dividing the total cost to operate each district by the gallons used by that district. Councilmember Canterino noted that this may work, but some minimum per household would have to be charged because there is a benefit to having water/sewer service available, even if owners are gone months at a time.

Supervisor Bloomfield asked if reducing from 5 to 3 or 4 tiers was examined. Mr. Standish said it had not yet been analyzed. Supervisor Bloomfield asked Mr. Standish to run a mock billing with 3 or 4 tiers for each district. Mr. Standish reported that Village Trustee Susan Fast informed him that there will be no change to the sewer rate projected charges for 2008 which is payable in early 2009. There is a fund balance of (-) \$70,000 which was for the Inflow and Infiltration Study. A grant was expected to cover this entire study, but because work was started before the grant term started, only about half may be awarded. As a result, 2008 rates will have to cover the remaining \$35-40,000.

Council ended the discussion with the request that Mr. Standish provide the following:

1. Letter from the Village of Goshen confirming the rate the Districts will be charged for 2008.
2. Budget analysis of reducing all Districts to a uniform 4 tiers.

2. BUILDING & ZONING FEE SCHEDULE CHANGES

Building Inspector Neal Halloran informed Council that the current Building and Zoning Fee Schedule does not cover Town costs expended in time and expenses for each application. The goal is to recover the cost from applicants so that taxpayers are not paying for these services. Those who use the services should be paying for the service in full. The cost to the Town for each Planning Board meeting is \$550 in Boardmembers and Minutes Clerk salaries. For the ZBA, the cost is \$375 per meeting. In addition, 100% of the part-time B & Z office secretary's time goes to servicing these Boards and approximately 50% of Mr. Halloran's time amounting to an estimated \$40,000 per year. Other costs are postage for meeting packets, which is running about \$100 per meeting, plus fees for publishing all the public notices.

Mr. Halloran handed out a 3-page memo dated 08-28-2008 and explained the increases he recommends. Regarding Mr. Halloran's time, taxpayers should be paying for his code enforcement services only, with the remainder of his time paid by those who benefit such as applicants before the Planning and Zoning Boards, applicants for building permits, etc. Mr. Halloran is basing the increases on recuperating Town costs, not matching the fees charged by other area Towns.

Council was in agreement with an increase to the Zoning Board of Appeals application from \$375 plus \$1,000 escrow to \$425 plus \$1,000 escrow. Council also accepted Mr. Halloran's recommended increase for the municipal search from \$100 to \$125, but noted that the turnaround time must not increase. For the February 14th Council meeting, Attorney Caplicki will have the Resolution for these increases.

1. INTERSTATE WASTE SERVICES – FACILITY UPGRADE

Supervisor Bloomfield stated that, at their paper/cardboard recycling facility, IWS wishes to modify the building. Normally this would go to the Planning Board and Building Inspector, but IWS is starting with Council to keep them informed and as a means to introduce the new principals of the company. Robert Sochovka, IWS Capital Projects Manager and Arthur Streeter Esq., IWS General Counsel, introduced themselves. Mr. Sochovka reminded Council that IWS purchased the facility from Waste Management in November 2006 and accepted responsibility for the pending DEC orders to modify the paper recycling facility. The purpose of the expansion is to raise a section of the roof approximately 15' and expand one end of the building about 15' so that loaded trucks can pull into the building completely, tip, and unload without hitting the roof. Once done, the entire operation will be enclosed, including the conveyer and compactor system. Exterior litter will be eliminated.

Attorney Caplicki advised the IWS reps that site plan approval will be required and a variance for the added height may be necessary. Mr. Sochovka acknowledged this and informed Council that Sterling Environmental company will be the lead on the project.

Moving to another subject, Mr. Sochovka told Council that he would be pursuing the IWS permit modification that his predecessor started negotiating with the Town. Supervisor Bloomfield informed him that Councilmembers Lyons and Cappella are the negotiators with whom he would be working.

4. MORATORIUM / COMPREHENSIVE PLAN STATUS REPORT

Attorney Caplicki reported that the professionals will be meeting Friday to review the first draft of the Comprehensive Plan changes. This will then be circulated to Council to review, digest, and question. If all agree, the changes could be placed on a Council Work Session agenda in early March.

5. EXTERNAL AUDIT REQUIREMENT CHANGES

Supervisor Bloomfield reported that he and Councilmember Canterino learned from Steve Brown, the Town's Auditor, that new regulations regarding municipal audits have been enacted since the Enron fiasco. The government now has restrictions to avoid conflicts between internal and external audit services. Mr. Brown provides internal auditing and advice to the Town throughout the year, and then annually, he performs the townwide audit. The government views this as Mr. Brown auditing himself. As a result, one auditor must be used for internal services and a different one for external auditing services.

Mr. Brown has agreed to continue providing advice and internal financial services, but the Town will now have to hire another firm to conduct its annual audit. The external auditor must be changed every five years according to new regulations. Therefore, the Town will seek a rather large accounting firm with enough staff to provide continuity but a new Accountant every five years. Councilmember Canterino added that qualified municipal auditors are limited and it is important to use one that knows exactly what New York State wants from the Town. Supervisor Bloomfield added that it's time to review internal controls again. Councilmember Canterino agreed and added that, in Mr. Brown's opinion, the Town has an excellent system and excellent people – many levels above other area Towns.

6. RESIGNATION OF DAMIEN REYNOLDS FROM THE TOWN'S WATER DEPARTMENT

Supervisor Bloomfield announced Mr. Reynolds' resignation effective January 31, 2008, and noted that he is the forth loss in that department in a year. Supervisor Bloomfield and Councilmember Newbold will look at the situation and report back to Council.

8. GOVAC – EVIDENCE OF INSURANCE COVERAGE

Councilmember Lyons informed Council that GOVAC had more than the required insurance coverage in place and the agent sent a copy to the Town Clerk.

9. TOWN HALL SECURITY-FIRE ALARM SYSTEM STATUS

Supervisor Bloomfield said that bids have been requested from three companies: NAS, P&S, and Symplex. Only NAS has responded to date, with a bid of \$4125. The other two bids are overdue.

10. HAMBLETONIAN PARK CONSTRUCTION ROAD

Some residents in Hambletonian Park asked the Supervisor if they had the authority to tell the Planning Board to require existing roads to be used rather than the bridle path for construction vehicles. If a majority of the residents preferred this and agreed to be responsible for any damage to the road, wouldn't this be satisfactory to the Town and its Planning Board? Attorney Caplicki informed Council that the authority for the decision rests with the Planning Board. It is up to them to evaluate all aspects of the project. If Hambletonian Park residents attend a

Planning Board meeting and voice their preference, no doubt the Boardmembers will take it under consideration in making their decision.

7. LANDS OF TOBIAS PERFORMANCE BOND

Attorney Caplicki provided background on this subject. *Lands of Tobias* is a subdivision that has had a \$19,000 bond posted with the Town for over three years. Mr. Weinberger, who must be the principal of the developing group, has repeatedly contacted the Town Clerk to get the bond released. Joe Henry of Stantec, the Town's former Engineer, reviewed the project and authorized release of the bond. Mr. Lindsay of Riddick Associates, the current Town Engineer, felt otherwise after reviewing the project. Mr. Lindsay first found that, within reason, the project was acceptable. He modified that opinion today when he found that approximately 72 of the required 95 trees were missing from *Lands of Tobias* lots. At an estimated \$200 per tree, the amount to be held back is \$14,400. Mr. Weinberger took exception to Mr. Lindsay's finding, because he said he had an agreement with Mr. Henry, the former Town Engineer, that the requirement to plant trees was waived, or didn't apply to his project. Attorney Caplicki asked Mr. Weinberger to provide a copy of that agreement. Until that is produced and considered, the Town will require what its Code requires, which is trees every 40 feet of street frontage. In the meantime, the developer would be entitled to a refund of a portion of the \$19,000 bond. It is up to Council to decide if it wishes to hold back the estimated \$200 per tree (\$14,400) or some lesser sum.

Councilmember Lyons noted that Mr. Henry of Stantec would not have had the authority to waive or modify the Planning Board and Town Code requirement to plant trees, so even if some written agreement is produced, it is not binding. Supervisor Bloomfield said that any trees that are there were planted by the home buyers not the developer. Supervisor Bloomfield asked Attorney Caplicki to prepare a Resolution releasing \$4,600 of *Lands of Tobias* \$19,000 bond, withholding \$14,400 until the required number of trees are satisfactorily installed.

11. EXECUTIVE SESSION

Supervisor Bloomfield made a motion to enter into Executive Session, without intent to return to public meeting, to discuss (a) PBA contract negotiations, (b) CSEA contract negotiations, (c) Interstate Waste Systems contract negotiations, and (d) the Sullivan house cleanup litigation. Councilmember Cappella seconded the motion.

VOTE: 5 Ayes Bloomfield, Canterino, Cappella, Lyons, Newbold
 0 Nays

Council entered Executive Session at 9:15pm.
No action was taken in Executive Session.

Respectfully submitted by:

Susan Maysels, Deputy Town Clerk