

**TOWN OF GOSHEN
TOWN BOARD MEETING
APRIL 9, 2009**

A Regular Meeting of the Town Board of the Town of Goshen was held on the 9th day of April, 2009 at 7:30 p.m. at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:

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| Douglas Bloomfield | Supervisor | Louis Cappella | Councilman |
| Kenneth Newbold | Councilman | George Lyons | Councilman |

Also Present: Dennis Caplicki, Town Attorney
Valma Eisma, Town Clerk

Absent: Philip Canterino, Councilman

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

B. AMENDMENT TO THE AGENDA: None

C. PRIVILEGE OF THE FLOOR: (agenda items only) None

D. OLD BUSINESS:

1. Resolution: Al Turi Landfill Appraisal Proposal – Norman Benedict Associates: Supervisor Bloomfield stated it had been suggested by the Town's defense attorney to hire an appraiser to process a tax certiorari. He asked Attorney Caplicki to address it.

Attorney Caplicki explained the Board had before them a Resolution to retain Norman R. Benedict of EnviroVal, Inc. as an appraiser/consultant in reference to the Al Turi Landfill tax certiorari. He said that Mr. Benedict is one of the foremost contaminated land appraisal authorities in the United States. He said an appraisal on the property will be necessary.

**TOWN OF GOSHEN
RESOLUTION**

**Retaining Norman R. Benedict of EnviroVal, Inc. as an
Appraiser/Consultant with Respect to Tax Certiorari;
Al Turi Landfill, Inc. v Town of Goshen**

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman George Lyons

DATED: April 9, 2009

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 April, 2009;

WHEREAS, Al Turi Landfill, Inc. has initiated and is processing a tax certiorari proceeding against the Town of Goshen with respect to real property owned by Al Turi Landfill, Inc. and located in the Town of Goshen, and

WHEREAS, the Town of Goshen will require the services of an expert appraiser with respect to the preparation and defense of the subject litigation, and

WHEREAS, Norman R. Benedict of Norman Benedict Associates, Inc. and EnviroVal, Inc. has submitted a proposal for such appraisal services, and

NOW, THEREFORE, BE IT RESOLVED, that said Norman R. Benedict be hired/retained as an appraiser to prepare a desk and field review of the real property which is the subject of the aforementioned tax certiorari proceeding at a cost of \$2,750 plus conference time with Mr. Benedict which would be charged/incurred at the rate of \$200 per hour between 8 a.m. and 5 p.m. and \$100 per hour for times outside of the normal workday.

Upon Roll Call Vote:

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| Supervisor Douglas Bloomfield | AYE | Councilman Louis Cappella |
| Councilman George Lyons | AYE | Councilman Kenneth Newbold |
| Councilman Philip Canterino | ABSENT | |

Vote: Resolution carried by a vote of 4 to 0.

2. Time Warner Cable Franchise Renewal: Attorney Caplicki reported the company had stated they were sending materials via overnight mail, but he had not received anything yet. Therefore, it will be tabled till next meeting.

3. Zoning Map Discussion: Supervisor asked Attorney Caplicki to address this issue. He reported there was a staff meeting this morning, in which they addressed a number of issues regarding the existing zoning code. He said it will be coming before the Board in the form of a Local Law as a matter of housekeeping, to clean up some issues with which the Board is concerned. One of the issues of concern was the number of PACs within the Town. He said this has been going back and forth between the Planning Board handling it, to the Town Board, and then back to the Planning Board. He said it was his understanding the Town Board wanted to make the decision on placing PACs within the community. Attorney Caplicki said this will be addressed in the amendment.

Also he stated that presently under the existing code, any subdivision that is proposed is required to build out roads to the various boundaries surrounding it. He said this is to enable the property to connect to undeveloped lands. He said this is beginning to be a bit of a problem as some of the parcels which are being proposed for development, are in locations where you could have extended roads built going to no where, and things of that nature. He said they are building a criteria by which the Town Board would determine where these roads should exist. He said there is one proposed development that has eight different boundaries. Attorney Caplicki said he will return to the Board with a text of a proposed Local Law for the Board to review.

Councilman Lyons asked if the bonds would be addressed in the proposed Local Law? Attorney Caplicki replied yes, along with some other minor housekeeping items. He said also it was discovered that the Orange County drainage map does not match up with our zoning map. He said they are trying to find out which is accurate, and how best to modify the maps in the code, so that no one is misled.

E. NEW BUSINESS:

1. Local Law Text, Set Public Hearing for Second Notice fee "Payment Due" to \$2.00 on Town and County Tax Bills: Attorney Caplicki explained that this was suggested by the Tax Receiver. In March, by law, a second notice is sent out to those tax payers who have not yet paid their tax bill. There is currently a \$1.00 extra fee attached to the bill, and this would raise that fee to \$2.00.

**TOWN OF GOSHEN
RESOLUTION**

**Establishing a Penalty Fee in the Amount of \$2.00 for the Mailing of
Notices to Real Property Owners Who Have Not Paid Their Real
Property Tax Bills During the Non-Penalty Period and Providing That
Such Expense Shall be Chargeable Against the Particular Real Property
Tax Parcel**

INTRODUCED BY: Councilman Louis Cappella
SECONDED BY: Councilman George Lyons
DATED: April 9, 2009

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 April, 2009;

WHEREAS, the Tax Collector for the Town of Goshen on or after the thirty-first day following the expiration of the period during which taxes may be paid without interest, but no later than the sooner of the eighty-fifth day after such expiration or the fifteenth day prior to the expiration or the fifteenth day prior to the expiration of the warrant for the collection of taxes, may mail a notice to each owner of real property upon which taxes remain unpaid, and

WHEREAS, it is in the interest of the citizenry of the Town of Goshen that the expense of said notice mailings be borne by the particular real property parcel owner, and

WHEREAS, Section 987 (1) of the Real Property Tax Law of the State of New York permits a municipality to impose a penalty of not more than \$2.00, chargeable against the particular parcel, for the expense of such notice mailings

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector of the Town of Goshen is authorized to add a penalty of \$2.00 against each particular real property parcel which may be notified, as aforesaid, concerning the non-payment of the pertinent real property tax bill, and

BE IT FURTHER RESOLVED that such notice shall at least contain the following language and may be attached to or be part of a duplicate copy of the tax bill:

“ The taxes on your property have not been paid. If the taxes should have

been paid through a real property tax escrow account, please immediately notify the holder of the account that the taxes have not yet been paid.”

Upon Roll Call Vote:

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| Supervisor Bloomfield | AYE | Councilman Philip Canterino | ABSENT |
| Councilman Louis Cappella | AYE | Councilman Kenneth Newbold | AYE |
| Councilman George Lyons | AYE | | |

Vote: Resolution carried by a vote of 4 to 0.

2. Resolution: Change Walkkill River Flood Project Maintenance Agreement: Supervisor Bloomfield explained that Orange County, the Towns of Goshen, Minisink, Warwick and Wawayanda have had a Walkkill Maintenance Agreement since November 4, 1987. He said they just recently had a meeting and it was decided that the annual maintenance should be performed by a private contractor, rather than the County’s DPW. The cost of the maintenance would be borne by the five municipalities, with the cost based on the frontage each municipality has on the Walkkill River.

Councilman Newbold made a Motion to consent to the amendment. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

Resolution of the Town of Goshen consenting to an amendment to the Walkkill River Maintenance Agreement dated November 4, 1987.

WHEREAS, in 1983 the United States Government, the State of New York, the County of Orange, and the Towns of Warwick, Goshen, Minisink and Wawayanda (“Towns”) undertook a flood control project in the Towns along the Upper Walkkill River; and

WHEREAS, at that time, the United States and the State of New York contributed to certain capital costs toward completion of the flood control project; and

WHEREAS. In accordance with N.Y.S. County Law § 223 and N.Y.S. Town Law § 64, the Towns and the County of Orange entered into an Agreement to conduct annual maintenance along the banks of the Walkkill River in order to continue to control flooding. The Agreement provides that each year, the parties contribute a total sum of \$60,000 to cover the costs of maintenance. The monies are apportioned as follows: County of Orange – 20%; Town of Goshen -

23%; Town of Minisink–5%; Town of Warwick-37% and Town of Wawayanda-15%; and

WHEREAS, every year the NYS Department of Environmental Conservation provides a scope of work to be performed by the County under the agreement. Once the scope of work is approved, the County Department of Public Works performs the maintenance work; and

WHEREAS, given the expanding workload of the County's Department of Public Works, the annual maintenance to be done under the agreement is not given priority status. Rather, maintenance on the river is performed when the schedule of the county's workforce permits; and

WHEREAS, this Council believes that the interest of the public would be best served by amending the agreement to provide for the Orange County Soil and Water Conservation District to administer the Agreement so that annual maintenance would be performed by a private contractor.

NOW, THEREFORE, it is hereby

RESOLVED, that We, the Council for the Town of Goshen hereby consent to an amendment to the "Agreement between the County of Orange, the Town of Goshen, the Town of Minisink, the Town of Warwick and the town of Wawayanda for Annual Flood Management of the Wallkill River located with the said Towns dated November 4, 1987," to provide that annual maintenance shall be administered by the Orange County Soil and Water Conservation District of that annual maintenance would be performed by a private contractor.

RESOLVED, that the Town Clerk of the Town of Goshen be and is authorized and directed to send a certified copy of this resolution to W. Janeway, NYS Department of Environmental Conservation, Regional Director for Region 3, the Orange County Legislature, the Orange County Executive and to the Supervisors of the Town of Warwick, Goshen, Minisink, Wayawanda and Walkkill so that they may be apprised hereof and take all necessary and appropriate action.

3. MTA Tax Proposal: Supervisor Bloomfield reported he attended a press conference this week given by Representative Annie Rabbit, from the 97th Assembly District and a legislator from the 95th District from Dutchess County. The legislators reported there is a proposal by the MTA, in Albany, asking that a payroll tax be created to benefit the MTA. We are already paying five hidden taxes to support the MTA. He said the Board has already passed a Resolution opposing this tax and sent it to the Governor's Office. The Supervisor said the proposal was originally in the Budget bill, and it now is a stand alone bill, that has not yet been signed. The legislators are asking for input from the public and

are handing out letters of objection to the public that can be sent to Governor, Majority Leader Malcolm Smith and Speaker Sheldon Silver.

The Supervisor stated the Board has already expressed it's objection by sending in the Resolution. However, he invited the public to participate and sign the letters that are available in the Town Clerk's Office, and the Clerk will turn them in to Representative Rabbit.

Councilman Cappella suggested giving copies of the letter to Governor Paterson to the newspaper reporters present, so that they could convey the information to the public. Both reporters received letters.

F. FINANCE: Councilman Newbold made a Motion to authorize the Supervisor to pay Manual Check Run of 03/31/2009 amounting to \$4, 899,485.32 and Check Run of 04/07/09 amounting to \$1,058,638.41 and also A/P check Run of 04/07/2009 amounting to \$148,054.40. Councilman Lyons said he would second it for discussion, questioning the \$4,899,485.32. Supervisor Bloomfield said the large amount is a combination of paying off Bans and also checks written to the Fire Companies for taxes collected by the Town and County taxes that are paid back to us by the County and we issue the checks to the various Fire Departments.

Supervisor called the Motion, Motion carried 4 to 0.

G. PRIVILEGE OF THE FLOOR: The two reporters present asked for clarification on various items discussed earlier.

H. ADJOURNMENT: Councilman Newbold made a Motion to adjourn the meeting and go into Executive Session to discuss a Land Donation Status and Sewer Meeting with Village. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

Time: 8:00 P.M.

Valma Eisma, Town Clerk