

TOWN OF GOSHEN

TOWN BOARD MEETING

APRIL 23, 2009

A Regular Meeting of the Town Board of the Town of Goshen was held on the 23rd 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:	Douglas Bloomfield	Supervisor
	Kenneth Newbold	Councilman
	George Lyons	Councilman
	Philip Canterino	Councilman
	Louis Cappella	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 p.m. and led the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA: NONE

C. PRIVILEGE OF THE FLOOR (agenda items only) NONE

D. REPORTS:

COUNCILMAN CAPPELLA reported Monday April 27th the Spring Cleanup will start and it will probably take about two to three weeks. When Highway is finished with it they will be working on a culvert and then they will start to patch.

He reported the Senior Center rentals are on a par with last year and all is well.

COUNCILMAN NEWBOLD reported everything is going along fine with Water/Sewer. He said Joel Klopchin is looking into projects he would like to do this summer, in the warmer weather. He said he and the Supervisor will be meeting with both the Water/Sewer Districts soon to explain their rates. He said the water has been tested out at Craigville Park to prepare it for the upcoming season.

COUNCILMAN LYONS reported the Joint Recreation Commission hosted a "It's My Park Day". He explained it was a day where members of the community, various service organizations and members of the JRC teamed up to help spruce up Craigville Park. He said that Chairperson Sherlock said there was a really great turn out and they were able to plant many trees and bushes along with the cleanup of the park. The JRC provided a light lunch and water to the volunteers.

Councilman Lyons reported the JRC would like to borrow a wood chipper from Highway, if they have one, as they took down several old trees on Saturday. He said there is also a lot of brush that needs to be mulched. He said the Village sent their street sweeper down to the park last week to sweep the parking lot and has offered to do it again when needed. Therefore, he said the JRC would like to ask the Town for the use of the chipper. Councilman Lyons said the Town would only have to deliver the chipper and show the park staff how to use it.

Councilman Lyons said the JRC was looking into the purchase of a newer dump truck, but everything was out of their price range. He explained the truck they have been using was salvaged from the Town almost two years ago and the Commission was told it was on it's last leg. However, several estimates were obtained, one of them as high as \$6,000. Bonnie Mayefsky, Parks & Recreation Coordinator, asked her brother-in-law, a retired mechanic, for advice. The truck was taken to the service center the brother-in-law previously owned for repairs. The repairs were done at a cost of \$600.00 and it will now pass inspection.

Councilman Lyons said the case against the juveniles that trashed Lion's Park with spray paint will be going to court soon and Bonnie is asking the assigned probation officer to ask for \$1,000 in restitution for the damages done. He said most of the graffiti has been removed, the signs, slide, and the picnic tables have already been repaired and painted. The Park Staff still has to rent the sander to blast the graffiti from the stone grill and the trees.

Councilman Lyons reported all the summer recreation programs are in line and open for registration. He said however, with the uncertainty of the school budget being passed, Superintendent Reese will not commit to allowing the JRC to use the schools for any of the programs, including our summer camp, even if we are willing to pay for janitorial fees, etc.

Councilman Lyons presented a form the JRC would like all their employees to sign when they are hired and asked for Attorney Caplicki to review it for the Commission. He explained it listed the rules and regulations associated with their employment. Attorney Caplicki asked if it had been given to the Village Attorney and Councilman Lyons said he believed so, but would check to make sure. Attorney Caplicki will follow up on the form and report back to the Board.

Councilman Lyons said the JRC has gone back to the manufacturer of the finials that are on the Salesian Park fence and that are rusting out. Warwick Valley and Tool is saying there is nothing they can do, there seems not to be any guarantees. Councilman Lyons said they are turning it over to the Town and the Village to see if there was ever an implied warranty.

Councilman Lyons concluded his report asking if there is a chipper JRC could borrow from Highway. Supervisor Bloomfield said there is a chipper, however this is not a piece of equipment you can just turn over to someone and just show them how to use it. He said a chipper requires training as a person could be pulled into it in a moment, and therefore, for safety, only a trained person should be using it. Councilman Cappella asked if all the material was in one place? He said if so he would see if highway could do it after spring cleanup. He also said he would not want to see a resident handling a chipper, Councilman Newbold agreed saying the chipper is a high risk machine. Councilman Canterino said the Board has discussed the fact that some of the residents, as volunteers, have been driving town equipment, tractors and such. He suggested Councilman Lyons go back to JRC and ask them not to allow this.

COUNCILMAN CANTERINO reported he had talked to Police Chief Marsh in reference to the Cinco de Mayo Fiesta, which the Board has been asked to approve. He said there will be two DWI Officers present and around, they are paid for by a grant. He said they will put up cones and tape and the people will have to walk inside the tape away from the road. Chief Marsh talked to the owner and his son and everything is coordinated with the State Police also. Announcements will be made that cars are not allowed on the side of the road, if parked there they will be towed.

SUPERVISOR BLOOMFIELD reported the town received it's sales tax check for the first quarter and he said he was very pleased that though it is less than goal, it is in shooting distance. He did express concern for the mortgage tax income, as the refinancing does not seem to be going very well, as the banks are not lending.

Supervisor Bloomfield said he attended an Orange County Land Trust meeting called a Best Design Workshop, along with Building Inspector Halloran, and three other municipalities. The meeting was held to look at some best practices in regard to storm water management, impervious services such as roads, parking lots, etc. He said they were all asked to take this information back to their various boards and organizations to see if there is any values that they could incorporate in our code that could build on this best practice information.

Supervisor Bloomfield thanked Councilman Newbold for attending a GOVAC celebration, as the Supervisor was out of town. He said the members of GOVAC are really unsung heroes and he was grateful that Councilman Newbold could attend in his place. Councilman Cappella stated Councilman Newbold did a great job. Councilman Newbold, acting as Deputy Supervisor, also attended a Boy Scout Eagle presentation, and the Supervisor stated these are the things that connect the Board to the community, and he thanked Councilman Newbold again.

E. OLD BUSINESS:

- 1. Cinco de Mayo Fiesta Special Event Permit:** Supervisor Bloomfield explained this is an annual festival held on May 5, 2009. He stated no one under twenty one will be allowed unless accompanied by an adult, and it will be held from 4:00 p.m. to 11:00 p.m. They expect approximately 150 people and they are asking for a Special Event Permit. Councilman Canterino made a Motion to approve the Special Event Permit for the Cinco de Mayo Fiesta, the Motion was seconded by Councilman Newbold. Motion carried unanimously.
- 2. Approval of Minutes:** Councilman Newbold made a Motion to accept the minutes of the Work Session of April 6, 2009. The Motion was seconded by Councilman Lyons. Motion carried unanimously. Councilman Lyons made a Motion to accept the minutes of the Regular Meeting of April 9, 2009. The Motion was seconded by Councilman Cappella, Motion carried 4 to 0, with Councilman Canterino abstaining as he was absent.

F. NEW BUSINESS:

- 1. Set Public Hearing for Water/Sewer Rate Review and Proposed Capital Improvement Plans:** Supervisor Bloomfield said, pursuant to Councilman Newbold's earlier statement, the Board would like to meet with the people from our four Water Districts, and our two sewer districts to review rate changes, if there are any, and proposed Capital Improvement Plans. He said the Board has been doing this for some time as it gives everyone an opportunity to hear what the problems are, what we are doing and what we are working on, and what they can expect for the next twelve months. Councilman Lyons made a Motion to set a Public Hearing for a Water/Sewer Rate Review and Proposed Capital Improvement Plans for May 28, 2009 at 7:35 p.m. or soon thereafter. Councilman Newbold seconded the Motion. Motion carried unanimously.
- 2. Accept Resignation of Georgine Hendricks:** Councilman Canterino made a Motion to accept the resignation of Court Clerk Georgine Hendricks. Councilman Lyons seconded the Motion. Motion carried unanimously. Councilman Canterino suggested a letter of appreciation should be sent to Ms. Hendricks and the Board agreed.

G. FINANCE: Councilman Lyons made a Motion to authorize the Supervisor to pay Manual Check Run of 4/13/2009 amounting to \$5,749.86, and Accounts Payable Check Run of 4/23/3009 amounting to \$98,490.95. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

H. PRIVILEGE OF THE FLOOR:

Jerry Boss asked if there were any negotiations being done with IWS? Supervisor Bloomfield replied there have been no meetings for a long, long time. Attorney Caplicki said to his knowledge there are no ongoing negotiations at this time. He said that he and the Board have been working on the enforcement of Chapter 80B, in various respects from the carters to IWS. Attorney Caplicki stated that in relation to the expansion application before the Town, Riddick Associates are working on the finalization and procedures for the scoping session, whereby the Planning Board's recommendations for the various reports they would like to see completed are formalized in terms of requests and discussion with the applicant. So they are being processed, but there are no formal reports requested of yet, nor are there any reports received.

Jerry Boss referred to an article in the papers that the Town was sending out notice to the haulers notifying them of the fees. Attorney Caplicki answered that is not correct, that under Chapter 80B any carter doing business in the Town of Goshen is required to have a permit. He said apparently the Town, in the past, did not enforce that aspect. He said his office has prepared a potential list of any and all carters who could possibly be doing business in the Town. Attorney Caplicki said they are now in the process of sending them an application packet for these permits. Supervisor Bloomfield asked when these will be in the mail. Attorney Caplicki replied "as early as tomorrow is if you would like". The Board agreed to have them sent out as soon as possible.

Mr. Boss asked if it was true there is a \$250 fine, per day, for none payment of the fee. Attorney Caplicki said he believed that was true, but he was not sure, however he said the application states there will be penalties if the 80B laws are not complied with.

The fact that the fee is currently \$25.00 was discussed. Councilman Lyons asked if the fee could be changed by a simple resolution? Attorney Caplicki said the Town can ordinarily raise fees with a resolution, however he would have to check to see if it could be done under the 80B law, if not it would require a Local Law. Supervisor Bloomfield suggested Attorney Caplicki hold off sending the applications out until it was decided how the fee could be raised and that way everything could be done at the same time. Supervisor Bloomfield said he would put this on hold until the May 11th meeting and it would be further addressed at that time. There was a short discussion as to the amount of the fee and what the fee would be used for. Supervisor Bloomfield stated he was concerned about the damage done to the roads caused by the continuous heavy traffic. Councilman Cappella suggested the Town Clerk contact other Town Clerks to see what fees are being charged in their towns. Supervisor Bloomfield asked Attorney Caplicki to prepare a draft of a Resolution and it could be addressed at the next work session.

Neal Hickock, reporter asked for clarification of some of the agenda items. None of the speakers used the microphone and much of what they said was inaudible.

Reynell Andrews asked about the damage to Lions Park. Councilman Lyons explained there was a lot of spray paint damage to the trees, the picnic table and the stone fireplace. He said they painted KGB on everything. He said he was told it was supposed to mean Kids Gone Bad. The police apprehended the people who did the damage and now it is in a court proceeding.

Mr. Andrews asked what was the reason the school could not be used for the JRC programs? Councilman Lyons replied, he was told, if the school has to go to an austerity budget the cost to the JRC would be cost prohibitive to pay for janitorial and other associated fees.

Councilman Canterino said he felt that JRC should consider taking it's programs back to Craigville Park. He said these were outdoor activities under the pavilion, and it was a real summer camp. He said now it is held inside, and has become more of a baby sitting situation instead of summer camp. He said he would really like to see it go back to the way it was originally.

Mr. Andrew asked another question that was inaudible. It may have been in reference to the audit being done on the water/sewer bill for Hambletonian Park and Arcadia Hills, as a short discussion about it followed. The Supervisor and the Attorney said they are meeting with the Town Accountant in Executive Session to discuss this further as this could be potential litigation.

Joel Markowitz spoke in reference to the sewer situation, but again did not use the microphone, and most comments were inaudible. A lengthy discussion of the audit and why it was asked for, ensued. Mr. Markowitz made a comment that the whole new sewer system is a mess. Attorney Caplicki said the Town Board is trying to maintain relationships with the Village, and to avoid litigation. In that vain he said, while the comments are appreciated, most of them are appropriate to the Village, because unfortunately we do not have that information. He said he would not want it reported that the Town is taking shots at or criticizing the Village in reference to something we really don't know.

- I. ADJOURNMENT:** With no further comments Councilman Newbold made a Motion to adjourn the meeting and go into Executive Session to discuss:
1. The Water/Sewer Audit
 2. Personnel Case – Potential Litigation
 3. Property Damage Caused by Falling Tree – Litigation
 4. Sullivan Litigation
 5. Rettberg Litigation
 - 6 and Legal Advise re: Senior Center with intent not to return. Councilman Lyons seconded the Motion. Motion carried unanimously.

Time: 8:30 p.m.

Valma Eisma, Town Clerk

