

TOWN OF GOSHEN
TOWN BOARD WORK SESSION
May 11, 2009
M I N U T E S

A work session of the Town Board of the Town of Goshen was held on the 11th day of May, 2009 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	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 7:34pm.

1. PROPOSAL TO SECURE FEDERAL STIMULUS FUNDS FOR ROAD CONSTRUCTION – AL FUSCO. P.E.

Al Fusco, Jr., P.E. of Fusco Engineering, PC presented the Town Board with a letter from John Czamanske, AICP, Deputy Commissioner, Orange County Planning Department. The contents covered a meeting on May 5, 2009 of the OCTC Technical Committee informing municipalities that additional highway/bridge stimulus funding was programmed for eligible and ready-to-go projects. Even though presentation of a completed design report is submitted, it is stressed as “do so at their own risk”. “In other words, even if a project programmed for stimulus funding based on the May 26th meeting, there cannot be any assurance that the project will ultimately be funded”. “As with all highway/bridge stimulus funding here, only the costs of construction and construction inspection are programmed. Any other project costs, including design and engineering, are borne by the project sponsor”. NYS Department of Transportation has provided around \$36.53M of available funds. The revised planning target, \$3.37M, is what will be considered for additional programming on May 26th. Mr. Fusco stated that there are eight communities which have ready-to-go projects for this program funding. If the Town is interested, he will be able to start the process of securing \$1M for us under the TIP (Transportation Improvement Program) at the May 26th meeting. To put together a Project Design Report, he is estimating his services to be around \$20,000 up-front. Mr. Fusco feels that with the many variables involved, we should come out with at least \$500,000. The program is run according to State standards and the work would have to go out for bid. With some discussion from the Board members, this proposal will be reviewed later.

2. COST SAVINGS PROPOSAL BY HUDSON ENERGY CONSULTING SERVICE – ELECTRIC, NATURAL GAS AND CELL PHONES

A representative from SPOC Consulting briefly stated that this company audits utility bills and looks at cell phone bills and other areas of unnecessary spending. SPOC does not represent any carrier. They are made up of independent contractors who work strictly on the applicant's behalf to get lower rates or refunds. This is risk free.

Vince Tinto, Senior Accountant Executive from SPOC, explained that they not only review gas and electric usages but, water, sewage, propane, oil, kerosene and diesel fuel. SPOC is made up of independent contractors and business partners who are experts in their fields. The review process goes back six years. Once a refund is delivered, the problem is corrected. If there is no refund, there is no fee. They have a 97% success rate in lowering the bill by 25% and a 75% success rate in lowering utility bills. In return the savings is split 50-50 between the Town and SPOC. Some of the other municipalities using SPOC services are: Village of Ellenville, Town of Warwick, Town of Blooming Grove and the Town of Tuxedo.

With some discussion from the Board members, this proposal will be reviewed later.

3. CONSULTANT PROPOSAL TO SECURE FEDERAL STIMULUS FUNDS TO IMPROVE ENERGY EFFICIENCY OF TOWN BUILDINGS

Guy Itzkovitch, National Sales Manager from Green Energy Act, addressed the Board providing a pamphlet to each member. Green Energy Act specializes in assessment, consultation and installation of renewable energy solutions empowering properties to go green in a cost-effective manner. A performance team addresses a full quality service, attending to the full scope of the building's envelope (shell of the building). Renewable energy includes geothermal, photovoltaic (PV), wind, water, and solar thermal energy. They do an audit of the physical building looking for energy leaks going through the envelope and safety. Being BPI (Building Performance Institute) certified they can *recommend* grants or incentives for the measures to correct inadequacies. A feasibility study (audit) of the Town Hall envelope would cost approximately \$1,000. Then a green energy report is generated which chooses from the measures that will give us the best return on the investment and proposes one, two or more alternative energy solutions. On a municipal building there can be anywhere between 15% to 50% energy cost reduction on an annual basis. The payback should be within a ten year span. The tax incentive, that took place in February 2009, will reduce the return on the investment by about 30%.

With some discussion from the Board members, this proposal will be reviewed later.

4. MS WALK SCHEDULED FOR 5/17 – REQUEST FOR SPECIAL PERMIT

Orange County has scheduled a MS Walk on Sunday, May 17, 2009 in Goshen. Part of the route will go through the Town of Goshen. The walkers will cross a series of streets along the route including South Church Street, Green Street, South Street, Duck Farm Road and Knoell/Old Chester Road. The majority of these crossings will occur while utilizing the Heritage Trail. Additionally, a permit has been obtained from the Orange County Parks Department with notification sent to the Sheriff Dubois.

Councilman Lyons made a motion to approve the MS Walk on Sunday, May 17, 2009. The motion was seconded by Councilman Canterino.

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

5. REVIEW PROPOSED DRAFT OF LOCAL LAW TO SUPPORT THE TOWN OF GOSHEN'S PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM

FEMA has updated and redrawn their flood maps with some minor changes in the Town of Goshen. We need to adopt the new Flood Insurance Study and Flood Insurance Rate Maps into the Town's floodplain management regulations to meet the standards of Section 60.3(d) of the program regulations by August 3, 2009. This is to enable residents of the Town to purchase flood insurance if need be. In order to meet this deadline, the final local law must be passed and submitted to this department for review by July 3, 2009. The draft local law should be submitted for review by May 15, 2009 to avoid the possibility of program suspension. A draft local law will be available for adoption by the Board members on Thursday night.

6. RESOLUTION TO AUTHORIZE THE SUPERVISOR TO SIGN THE CSEA CONTRACT – JANUARY 1, 2009 THRU DECEMBER 31, 2009

The agreement between the Town of Goshen and the Civil Service Employees Association (CSEA) Inc. Local 1000, AFSCME, AFL-CIO has been reviewed with minor corrections and is ready to be signed.

Councilman Canterino made a motion to authorize Supervisor Bloomfield to sign the CSEA contract from January 1, 2009 thru December 31, 2009. The motion was seconded by Councilman Cappella.

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

Supervisor Bloomfield thanked Councilman Canterino for working with him in the negotiation process. It was a very effective and professional negotiation. He also gives the CSEA a lot of credit for thinking of the community and the employees as one.

7. RESOLUTION TO PAY CONNIE CHRISTIAN FOR DAMAGE CAUSED BY A TOWN TREE THAT FELL ON HER HOUSE

Supervisor Bloomfield referenced a letter he received from Connie Christian, a resident who resides on Yankee Maid Lane. A dead tree fell against her house causing damage to the siding. Her Home Owners insurance deductible is \$2,500. She received bid estimates to replace the damaged siding which are below the deductible figure. Therefore, she is unable to make a claim. The tree was on Town property. Our insurance company is standing behind a New York Law pertaining to advance notification of the tree before the claim is honored. Mrs. Christian is seeking relief from the Town and has submitted three bid estimates for consideration: (\$1,800) (\$1,760.00) and (\$1,300).

Councilman Canterino was concerned with past insurance claims and the technicalities of claims honored and those not honored. There was much discussion amongst the Board members as to the notification process and setting precedence. In theory, this tree was on Town property and we are responsible for it.

Councilman Newbold made a motion to pay Connie Christian for damages to her home and yard not to exceed \$1,500 in the event that the house wrap and/or insulation has to be replaced as a

result of tree on the water easement that fell on her home during an ice storm. Councilman Canterino seconded the motion.

Discussion: Councilman Canterino questioned if the tree was located in a Special District. This would affect the account charged. The answer will have to be researched.

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

8. STATUS UPDATE ON THE AUDIT OF VILLAGE SEWER CHARGES FOR HAMBLETONIAN PARK AND ARCADIA HILLS SUBDIVISIONS AND THE TOWN'S REQUEST FOR THE VILLAGE TO APPOINT A BOARD MEMBER TO NEGOTIATE WITH THE TOWN

Attorney Caplicki, stated that basically the Village has been cooperating with the auditor, Stephen Brown, hired by the Town for the information he requested. Issues arose when Mr. Brown wanted further back-up data. The Village didn't respond to that. The Town requested a sewer liaison between the Village and the Town to correspond with. This request has not been answered. As an act of comity, most municipalities will cooperate with each other making information available. Without the proper cooperation, Attorney Caplicki will formally FOIL for the empirical back-up data that was originally requested by Stephen Brown. We are entitled to anything and everything they have. The Village suggested that their Attorney meet with our Attorney. Elected officials need to represent the municipalities not their Attorneys.

Councilman Newbold is willing to act as the liaison from the Town. He has spoken, informally, to Trustee Roddey without satisfaction.

This issue will be discussed further at the next meeting.

9. DISCUSS A REQUEST FOR A 'SLOW CHILDREN AT PLAY' SIGN FOR WYNTHROP MANOR DRIVE

The Town Board received a letter from Mrs. George requesting a sign that reads "Slow Children Are Playing" in her cul-de-sac located on Wynthrop Manor Drive. She has observed some of her neighbors speeding up and down this cul-de-sac. She feels that a sign will deter the speeding and prevent an accident and or save a child's life.

Councilman Cappella responded to this by visiting Wynthrop Manor Drive. There are nine homes in the cul-de-sac and clearly this is directed to certain individuals. He visited the Highway Superintendent, Stephen Andryshak, to see what can be done. Superintendent Andryshak will put up some sort of informational sign to take care of this problem.

10. CARTER FEE SCHEDULE – DISCUSS POSSIBLE CHARGE

Supervisor Bloomfield referenced documents submitted by the Town Clerk, Val Eisma. She polled several Town Clerks as to what their laws and fees are for covering trash haulers in their Town. Attorney Caplicki responded that this can be done as a simple resolution to our existing code both an application fee and/or an annual fee.

In summary, discussion covered many different ways to proceed with a carter fee schedule including: different fees for truck sizes, sliding scale fees, fees applied to weight per truck and fees

charged per truck numbers. A consensus of the Board members resulted in charging \$100.00 per truck with the details to be presented at the next meeting.

11. MOTION TO ACCEPT THE RESIGNATION OF MANUEL PARDO FROM THE ASSESSMENT BOARD OF REVIEW

Councilman Cappella made a motion to accept the resignation of Manuel Pardo, Board of Assessment Review, and effective May 11, 2009. Councilman Lyons seconded the motion.

Discussion: Councilman Newbold suggested that the Town send a letter of appreciation to Mr. Pardo for his dedicated years of service.

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

12. DISCUSS FOIL REQUEST BY THE T-H RECORD FOR A "STANDING FOIL" FOR BOARD MEMBER PACKETS

On Tuesday, May 05, 2009 the Town received an email FOIL request from John Sullivan who is employed by the Times Herald Record newspaper. According to his FOIL request, he is seeking permission to have boards representing the schools, municipalities and other public entities of this area to provide reporters with access to "board packets" as a Standing FOIL. He is asking that each board makes the packets available for viewing by the reporters with the right to ask for copies of any materials later on.

Attorney Caplicki explained that this is to allow the reporters to obtain as much information as they can prior to a meeting so they can be better versed in that meeting and have some text copy for any reason they are unable to attend that meeting. There are times the information in the packets is either not covered or placed there for informational purposes. Attorney Caplicki stated that this arrangement can be done with the exception of confidential information for litigation or executive session materials, etc. There was some concern that the materials in the packet don't reflect the outcome of the discussion or decision/action taken of the Board members. Furthermore, there might be documents presented during the meeting by speakers stating their reason for attendance that will not be in the packet, but discussed. Possibly, this will set precedence for the general public to FOIL. Attorney Caplicki suggested that he can review the packet, prior to a meeting, to clear the materials necessary for public release. Many times a scheduling conflict will arise and he will be unavailable to do this. In that case, the person/persons responsible for compiling the packets will review the packets for public release.

Supervisor Bloomfield feels that anything we can do to assist the press to do their job *accurately* is worth the try. It will be the *responsibility* of the press, if not in attendance, to follow-up the next day to verify what actually transpired during the meeting.

John Sullivan, T-H Record reporter, stated that the request is for accuracy in reporting, not for copies. He just wants to come to the Town Hall to look at the documents before a meeting. He is responsible to his employer and to the public to be accurate. If copies need to be made then a FOIL and charge will be enacted for those needed.

Councilman Canterino made a motion to authorize the preparation of informational packets for Board members prior to a meeting. Such informational packets upon compilation will be available, by request, to any member of the public, to be available by the close of business on the meeting date. Councilman Lyons seconded the motion.

Discussion: Councilman Lyons said that this is kind of a "Living document", meaning data is going in and out of it from time to time. If we have one packet available and say the Times Herald Record or for anyone else wants hard copies of it, then we would charge them for it.

Joel Markowitz commented on how different the attitude of the Town Board with its openness is so different from what goes on in the Village. "It's so enormous and so refreshing". "It's wonderful what is going on here tonight. That would never happen in the Village Hall". He suggested posting the agenda on the web site. Even though the minutes are on the web site, the agenda may contain items where all of the information wasn't available, or tabled to a later date.

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

13. MEMORIAL DAY PARADE MAY 25, 2009 – THE GOSHEN VFW POST 1708 HAS INVITED THE BOARD TO PARTICIPATE

Supervisor Bloomfield received a letter from the Commander of the VFW Post 1708, inviting him and the Goshen Town Council to participate in the Goshen Memorial Day Parade and Services which will be held on Monday, May 25, 2009.

14. WALLKILL RIVER WATERSHED BETTER SITE DESIGN (BSD) – DEVELOP APPROACH TO EVALUATE BENEFIT TO THE TOWN OF GOSHEN

This is tabled to the next meeting.

15. AUTHORIZE THE TOWN OF GOSHEN SUPERINTENDENT OF HIGHWAYS TO PURCHASE AN A2010 DIAMOND SPEC 7500 SFA 4x2 DUMP TRUCK, WITH SNOW PLOW, AT A COST OF \$127,593.16, AS LISTED ON THE NEW YORK STATE 2009 PRICING BID

Supervisor Bloomfield stated that cash has been set aside to purchase a truck.

Councilman Cappella made a motion to authorize the Town of Goshen Superintendent of Highways to purchase an A2010 Diamond SPEC 7500 SFA 4X2 Dump Truck, with a snow plow, at a cost of \$127,593.16. Councilman Canterino seconded the motion.

Discussion: Councilman Cappella explained that this is the first large dump truck replacement in the last five years. Highway has a fleet of twelve trucks for plowing etc. Eventually these will have to be replaced one-by-one as needed. This purchase will replace a 1993 truck. Last year some money was put aside to purchase a dump truck, in anticipation of grants. Meanwhile, the economy declined and the grants never came through. Therefore, a *freeze was self initiated* on all capital spending projects.

Councilman Lyons noted for the record, that the Town didn't have to go through a formal bidding process, because we elected to go with a State bid.

Upon Roll Call Vote:

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

Vote: Motion carried by a vote of 5 to 0

16. THOMAS SPREITZER, BOARD OF ASSESSMENT REVIEW, INPUT ON POTENTIAL CANDIDATES TO FILL THE TERM OF MANUEL PARDO, TERM EXPIRING SEPTEMBER OF 2011.

Thomas Spreitzer (Chairman of the Board of Assessment Review) stated that Manuel Pardo's resignation is a great loss. Mr. Pardo was extremely knowledgeable with a vast number of dedicated years of experience. He will be missed.

He commented on the location of the Board of Assessment Review for Grievance Day hearings which will be on May 26, 2009. The Board of Assessment Review must be in the Town Hall for a multitude of reasons during the hearings. The numbers of people who will be present for the hearings is unpredictable. Based on experience, he feels that there will be a large turn out. Originally, the evening location was to be held in the Town Clerk's office. With concerns of safety/fire regulations, this isn't a proper location. Therefore, this was discussed with Supervisor Bloomfield and a decision was reached to switch the Town Board Work Session to the Clerk's office, so that the Grievance hearings could be heard in the large court room.

Mr. Spreitzer clarified that the five member Board of Assessment Review is down to four. His estimated final date of completion, in the review process, is June 19. This gives the Assessor's office enough time to finalize the paper work and forward it on to the County. With many work sessions scheduled on this time line, during the first week of June, two members will be unavailable. According to State law, three members need to be present for a quorum. This will contribute to a week of non-productivity at a time when every work session is essential. The problem is that we are two weeks away to replace a member. Mr. Spreitzer contacted legal council in the State Office of Real Property. There is an exception to the rule of mandatory training. The State indicated that we can pass on training this year for we have a dire situation. In speaking with John McCarey (Director of Real Property Tax Service) who sympathized with our situation and would extend his services to conduct a one-on-one training if necessary. It is imperative that a person with training and some basic knowledge fills the vacancy on the Board. There is a limited list of applicants available for this position. He suggested that a past member, whose term expired, could possibly be interested. This person has the necessary training and experience. This will eliminate the need to train a new member. Mr. Spreitzer ended by stating that whatever the Town Board decides to do, he really needs a qualified person to be on the Board of Assessment Review.

Supervisor Bloomfield opened up the meeting for discussion.

Councilman Canterino informed the Board that in the near future, some of the Town police cars will need to be replaced. With high mileage and age-related mechanical breakdowns there are a few cars in question.

It has come to the attention of the Board that a resident (who happens to be the *last* Town resident on Sarah Wells Trail) is concerned about a recent posting of a 55mph sign in front of her property. Sarah Wells Trail is a County Road and they will have to be contacted on this matter.

John Sullivan (T-H Reporter) thanked the Board members for their "open-government" action and their willingness to keep the public informed.

EXECUTIVE SESSION:

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

1. Review Potential Candidates For New Members of the Assessment Board of Review
2. Potential Land Donation – Status
3. Potential Closing Date For PDR – Status
4. IWS Expansion – Status
5. Review Proposed Settlements for the Following tax Certioraris:
 1. Suresky
 2. BAJ Properties
 3. Goshen Properties

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

Time: 10:00PM

Priscilla Gersbeck, Deputy Town Clerk