

TOWN OF GOSHEN
TOWN BOARD MEETING

May 14, 2009

MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 14th 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

A. CALL TO ORDER

The meeting was called to order by Supervisor Bloomfield at 7:36pm, followed by the Pledge of Allegiance

B. AMENDMENT TO THE AGENDA

Supervisor Bloomfield announced that a public hearing was originally set for tonight to create a water and sewer district for Heritage Estates. The Attorney for the applicant didn't get the information into the paper in time. Therefore, a new date will be announced.

C. PRIVILEGE OF THE FLOOR

Jerry Boss spoke about the public hearing we were supposed to have tonight. Do they have all of the approvals? Attorney Caplicki responded: they have preliminary approval for the subdivision. Part of the proposal was that they would build an on-site package plant sewer facility and they asked to have on site water supply. This was approved, in concept, by the Planning Board. According to State Law, they are entitled to petition the Town to create a special water and sewer district. While they are waiting for final approval of the subdivision, they can go to the DEC and obtain analysis and preliminary conceptual approval of their plans for the sewer plant (size, discharge, location etc.). In summary, when Heritage Estates comes before the Town Board they will need an approved plan for the sewer plant.

Jerry Boss inquired when to ask for, or if a "four season" environmental study of that area has been done. This can be raised before this Board, or preferably at the Planning Board. His concerns pertain to the Otterkill as a "threatened" stream. "This report (holding up a document) is very comprehensive". It covers the Purgatory Swamp, Otterkill, Black Meadow Creek etc. environmental status. How will the proposed sewer plant impact these sensitive areas? The Town Board is only hearing the *application* to create special districts (sewer & Water) provisions. The planning approval, analysis, SEQRA etc. are all done by the Planning Board. The DEC will also have to give

approvals. Mr. Boss noted that he observed, along with other people, a Bald Eagle in the Purgatory Swamp area. Consideration should be given to this protected specie along with other environmental concerns.

Mary Rice Israelski addressed the creation of Heritage Estates proposed water & sewer plans. She presented a letter to be forwarded on to the public hearing record. Her concerns covered the areas of the location of a sewer district using the Black Meadow Creek. Using the South East Entrance to the Town would be inappropriate. This will affect the established stream overlay corridor and the scenic road corridor. Furthermore, the Planning Board gave preliminary approval using the Village sewer plant. The Town should use leverage with the Village to keep the customers there. She believes that Heritage Estates would have to set another meeting with the Planning Board to file a supplementary EIS. If this proposal goes through, she would like to see a location that would have a meaningful capacity for future businesses moving into Goshen, with the best, advanced green technology to protect the citizens and the environment.

Broderick Knoell stated that it was his understanding, originally, that if the Village refused to let Heritage use their sewer hook-up, then a private package plant would be designed for that Development. However, as other developers show an interest, at what point does it become regional? Response: It will be subsequent to the public hearing and prior to any final approval at the Planning Board level. Mr. Knoell was concerned with the responsibilities, operations and oversight of a private sewer plant vs. a regional plant.

Councilman Canterino stated that the overall Master Plan for the County is to have regional sewer plants. The problem with having multiple package plants all around Town is that, if they go under, the Town will be in the package plant sewer business. An example of this is Hambletonian Park, where the Town had to take over a malfunctioning package plant. It doesn't make sense to have sewer plants for each subdivision. "If it makes sense, it's in the right place, it's designed properly, built properly and then deeded/dedicated to the Town once it's whole, we can decide what we want to do; if we want an operator to run it or whatever." That's why we are possibly talking about a regional sewer district, or each subdivision will ask for their own sewer district. More on this subject will be discussed at the public hearing.

D. OLD BUSINESS:

1. REVIEW PROPOSED SETTLEMENTS FOR THE FOLLOWING TAX CERTIORARIS:

Supervisor Bloomfield introduced Jo Ann Soules (Town Assessor) who worked at negotiating the assessments and to finalize the proposed settlements.

Attorney Caplicki explained that these proposals are being made for settlement purposes and that they are recommended for adoption.

A. SURESKY

In summary, the Suresky property involves three separate parcels of real property for which the assessments are established for 2008, 2009 and 2010 tax years, resulting in no refunds of any prepaid taxes through the school, library, fire, Village or Town.

**TOWN OF GOSHEN
RESOLUTION**

Settlement of Tax Review Proceeding; Suresky v. Town of Goshen; Section 126 Block 1 Lot 3.1, Section 111 Block 10 Lot 13, Section 111 Block 17 Lot 13

INTRODUCED BY: Councilman Kenneth Newbold
SECONDED BY: Councilman Philip Canterino
DATED: May 14, 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 14th day of May, 2009;

WHEREAS, Suresky initiated a tax review proceeding against the Town of Goshen with respect to certain real property known as Section 126 Block 1 Lot 3.1, Section 111 Block 10 Lot 13, Section 111 Block 17 Lot 13, and

WHEREAS, subsequent to review, defense, research and analysis the Town of Goshen proposes to settle said tax review proceedings, and

NOW, THEREFORE BE IT RESOLVED, that the aforementioned tax review proceedings be resolved/settled by establishing assessments for the aforementioned real property parcels for tax years 2008/2009 through 2009/2010 at the following levels:

Section 126 Block 1 Lot 3.1	\$1,250,000
Section 111 Block 10 Lot 13	\$725,000
Section 111 Block 17 Lot 13	\$75,000

BE IT FURTHER RESOLVED, that the Counsel for the Town of Goshen and Jo Ann Soules, Town Assessor, are authorized to sign any and all documents as are necessary to effectuate the terms of this settlement resolution.

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: Resolution carried by a vote of 5 to 0

B. BAJ PROPERTIES Attorney Caplicki explained that this parcel was previously litigated with an adverse ruling to all parties. The Town filed a notice of appeal; however thru discussions an agreement was reached. As a result the BAJ petitioner agreed to increase the court order by 10%, to avoid the appeal process. Unfortunately, refunds are involved from school, library, fire, Village and Town. By policy, we have informed the school and Village every step of the way of the actions that were taken so they are aware of the potential refunds they may be facing. To footnote: the Town has to pay *all* of the legal fees and court costs.

**TOWN OF GOSHEN
RESOLUTION**

Settlement of Tax Review Proceeding/Appeal; BAJ, LP v. Town of Goshen

INTRODUCED BY: Councilman Kenneth Newbold
 SECONDED BY: Councilman George Lyons
 DATED: May 14, 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 14th day of May, 2009;

WHEREAS, a tax review proceeding was brought against the Town of Goshen by BAJ, LP with respect to certain real property located in the Town and Village of Goshen and known on the tax maps thereof as Section 115 Block 1 Lot 5, and

WHEREAS, said tax review proceeding was tried and judgment entered by the Hon. John R. LaCava, J.S.C. on August 29, 2008, and

WHEREAS, the Town of Goshen and petitioner wish to avoid the expense and time of an appeal,

NOW, THEREFORE BE IT RESOLVED, that the aforementioned tax review proceeding/litigation/appeal be resolved and settled by the establishment of real property assessments for the subject property for the years 2002 through 2009 as set forth in Schedule A annexed and that Counsel for the Town of Goshen and Jo Ann Soules, Town Assessor, are authorized to sign such documents as are necessary to effectuate the settlement.

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: Resolution carried by a vote of 5 to 0

<u>Assessment Year</u>	<u>Reduced From</u>	<u>Reduced To</u>	<u>Assessment Reduction</u>
2002	\$1,600,000	\$637,670	\$962,330
2003	\$1,600,000	\$610,687	\$989,313
2004	\$1,600,000	\$553,938	\$1,046,062
2005	\$1,600,000	\$514,140	\$1,085,860
2006	\$1,600,000	\$494,285	\$1,105,715
2007	\$1,600,000	\$494,285	\$1,105,715
2008	\$1,600,000	\$494,285	\$1,105,715
2009	\$1,600,000	\$494,285	\$1,105,715

C. **15 MATTHEWS STREET** Attorney Caplicki stated that the problem was with the Town justifying the existing assessment of this parcel. He has informed the Village Attorney, David Donovan, of the reduction in assessments.

**TOWN OF GOSHEN
RESOLUTION**

**Settlement of Tax Review Proceedings Instituted by 15 Matthews Street Associates, LLC for
the Tax Assessment Rolls of 2003 through 2008**

INTRODUCED BY: Councilman Kenneth Newbold
 SECONDED BY: Councilman George Lyons
 DATED: May 14, 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 14th day of May, 2009;

WHEREAS, 15 Matthews Street Associates, LLC has initiated tax review proceedings against the Town of Goshen with respect to real property known as Section 119 Block 1 Lot 3 for the years 2003/04 through 2008/09, and

WHEREAS, to date, the Town of Goshen has defended said tax review proceedings and based upon research, review and analysis, the Town proposes to settle and resolve said tax review proceedings, and

NOW, THEREFORE BE IT RESOLVED, that the aforementioned tax review proceedings as instituted by 15 Matthews Street Associates, LLC with respect to real property known as Section 119 Block 1 Lot 3 be settled for the tax assessment roll years of 2003 to 2008 as set forth on the annexed Schedule A and that Counsel for the Town of Goshen and Jo Ann Soules, Town Assessor, are authorized to sign such documents as are necessary to effectuate the settlement.

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: Resolution carried by a vote of 5 to 0

Schedule A 15 Matthews Street Associates, LLC

<u>Assessment Roll</u>	<u>Assessed Valuation</u>	<u>Reduction in Assessment</u>	<u>Final Assessment</u>
2003	\$3,607,200	\$1,120,100	\$2,487,100
2004	\$3,607,200	\$1,383,000	\$2,224,200
2005	\$3,607,200	\$1,351,200	\$2,256,000
2006	\$3,607,200	\$939,700	\$2,667,500
2007	\$3,607,200	\$1,162,800	\$2,444,400
2008	\$3,607,200	\$1,087,200	\$2,520,000

D. **PAWAN GILL** Attorney Caplicki noted that this is a single family residence. It is for the taxable status year of 2008/2009, locking it in for three years.

**TOWN OF GOSHEN
RESOLUTION**

Settlement of Pawan Gill Tax Review Proceeding; Section 15 Block 1 Lot 79

INTRODUCED BY: Councilman Philip Canterino
SECONDED BY: Councilman Kenneth Newbold
DATED: May 14, 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 14th day of May, 2009;

WHEREAS, a tax review proceeding has been initiated against the Town of Goshen by Pawan Gill with respect to certain real property known as Section 15 Block 1 Lot 79, and

WHEREAS, subsequent to review, defense, research and analysis the Town of Goshen proposes to settle said tax review proceeding, and

NOW, THEREFORE BE IT RESOLVED, that the aforementioned tax review proceeding for the taxable status year 2008/2009 be settled so as to reduce the original assessed valuation of the premises known as Section 15 Block 1 Lot 79 from \$2,400,000 to a total final assessed valuation of \$2,000,000 or a reduction in amount of assessed valuation of \$400,000 and that Counsel for the Town of Goshen and Jo Ann Soules, Town Assessor, are authorized to sign such documents as are necessary to effectuate the terms of this settlement resolution.

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: Resolution carried by a vote of 5 to 0

Supervisor Bloomfield summarized the "pay back" amounts *as of this date*. Since two years are missing from one of the parcels on the summary sheet, these amounts are subject to change. The Town will have to pay back \$31,720.85, the Fire Dept. pays back \$27,444.90, the County pays back \$98,404.02, the Village pays back \$170,045.64 and the school pays back \$518,039.45. For the record, some of these go back to the year 2002/2003. There are several more certioraris in the process of being negotiated; for example Al Turi Landfill which goes back to 2002. The resolutions passed tonight are all commercial properties with the exception of one private residence. There are many more commercial properties pending and hundreds of single family residence SCAR proceedings pending. With the economy and housing prices down, people feel grieved with their taxable assessment. This is common in all communities, not just in Goshen.

2. APPROVAL OF MINUTES

Councilman Newbold made a motion to approve the minutes of work sessions March 23rd and April 20, 2009 and the regular meetings of March 26th and April 23, 2009. Councilman Cappella seconded the motion.

Discussion: Councilman Lyons made several corrections and additions to the minutes of March 23 that were omitted. The Clerk agreed to make the necessary corrections.

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

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

Supervisor Bloomfield noted that FEMA has redrawn the flood map. The effect on Goshen is minimal; nevertheless, the Town has to draft a Local Law to reflect the changes. By doing so, then the citizens in the Town of Goshen can apply for flood insurance.

Attorney Caplicki explained that the documents at hand are: a skeleton of the proposed Local Law and the actual draft that will be submitted to the County and State and the actual notice of the Public Hearing. This proposed Local Law will be an amendment to the Code of the Town of Goshen; Chapter 61A entitled "Flood Damage Prevention". The new flood maps are located in the Town Clerk's office and in the Building and Zoning Office.

Councilman Cappella made a motion to accept the proposed draft of Local Law 3 of 2009 entitled "Flood Damage Prevention". Councilman Canterino seconded the motion.

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

Councilman Canterino made a motion to set the Public Hearing for Local Law #3 of 2009 regarding the amendment to the Code of the Town of Goshen, Chapter 61A entitled "Flood Damage Prevention" on June 8, 2009 at 7:30pm or soon there after. Councilman Cappella seconded the motion.

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

4. 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 the Village doesn't wish to appoint a board member to pursue the discussions with the Town. They have suggested that the Village Attorney and the Attorney for the Town handle the discussions. At this time, that is their position. However, Attorney Caplicki still recommends that an elected official represent the public on this matter. Councilman Canterino agreed with him, stating that the elected officials are "elected to represent" the public. Attorney Caplicki has been in contact with the town's auditor, engineers, etc. for updates. As of yesterday, the Village verbally contacted us and indicated that many of the back up documents that we have been requesting would be available for our perusal during normal business hours at the Village Hall. Attorney Caplicki met with our auditor, Steven Brown, who was going to try to access many of the documents today. Attorney Caplicki spoke with the Village Attorney, suggesting to

him that our engineer, Dennis Lindsay (Riddick Associates), may want to speak to the Village engineer(s) from Lanc & Tully, regarding the interpretation of certain engineering issues.

Councilman Newbold stated that he contacted Trustee Roddey and was dissatisfied with the outcome. He is willing to act as the liaison for the Town of Goshen to negotiate this matter.

Supervisor Bloomfield is concerned that we are running out of time in creating rates that we can share with the people and start collecting money. He clarified to the public in attendance, that in the past his predecessor started having meetings in April with all of the water and sewer districts. The purpose was to share with those residents the status within those districts in regards to the equipment, the processes, capital improvements and rate changes. We are comfortable with the water systems, because we manage the water systems. Therefore, we know what we are going to spend and what we are going to work on. It's very easy to come up with a rate that's explainable. We also operate the two sewer districts. We know about our pumps, valves, electrical usage etc. We are satisfied with what our costs are *before* we pump it to the Village Sewer Plant. What we are not comfortable with are the unexplainable bills from the Village. For example; a year ago we were told to collect \$154,000 for Arcadia Hills. When the bill came in, it was for \$217,000. We didn't collect that amount, because our rates didn't reflect \$217,000.

Supervisor Bloomfield asked William Standish (Financial Officer) to pull all the rates together to project a cost for us to verify water and sewer billing. Consequently he wrote to the Village for information to establish rates. In the same letter, he invited the Village Board to attend a public meeting to be held in the Town Hall. Mr. Standish emphasized to them that this would be advantageous to attend in order to provide an overview of the plant facilities and to answer resident questions regarding projected costs.

Supervisor Bloomfield received an answer on May 12, 2009. The letter reads as: "The projected increase for the Sewer billing for 2010 is estimated to be 6% over the 2009 billing. This is only an estimate, since usage varies from year to year." Therefore, as example, Arcadia Hills residents will be expected to pay 6% on top of the \$217,000. We have withheld money from the Village seeking the details of the 2009 bill. We are confident that we've paid what we needed to pay. Hence the 28th of May is close by and we don't have adequate information for billing. We have no details, no background information on this increase. We must have accurate information and soon.

Questioningly, Supervisor Bloomfield had our CPA search for errors to see if we were at fault on our calculations. The only neutral people he can think of are with the NYS Comptroller's office to audit the Village. In fact, they can audit the Town and let us know if we are doing something wrong.

Supervisor Bloomfield is frustrated with the Village responses. His meeting with the Mayor of the Village "went nowhere". His request for a liaison was answered by engaging the Attorney's, who are not elected officials. By holding the meeting at such a late date, we will only be able to collect one-quarter worth of rate increases for next year's bill. Consequently the fourth-quarter "will be devastating to them". "This is getting to be a serious problem, it is out of control". "It has nothing to do with the Village vs. the Town. This has to do with the Village vs. these two subdivisions and the Village vs. the citizens in the Village". "We don't create that cost. All we do is pass that cost from the Village through our Budget Officer to these two subdivisions".

"The two subdivisions pay for their *own* maintenance of their *own* pumps of their *own* lines of their *own* infrastructure and 10% above that". Supervisor Bloomfield asked Joe Klopchin, Water & Sewer Administrator, to check the calibration of the meters in both subdivisions. We had a second company recheck those meters. We are reporting accurately (within a gallon) of what we produced in sewage.

In April of 2009, Hambletonian Park pumped a total of 811,000 gallons of water. The meter totaled 2,083,000 gallons of sewage. The unaccounted gallons pumped to the Village Plant were 1,272,000. The numbers for Arcadia Hill subdivision were comparable. The Town is aware that we have an infiltration & inflow (I & I) problem. Supervisor Bloomfield hand delivered to Congressman Hall's office a request for 5 million dollars to repair the I & I infrastructure to both subdivisions.

Supervisor Bloomfield called for input from the Board Members.

Councilman Newbold stated that on numerous occasions the Board members have attempted to negotiate with the Village with no results. We are the ones getting phone calls from residents in Hambletonian Park and Arcadia Hills who are looking for explanations and venting their financial problems. He is hoping that a Village representative will come and talk to us peacefully, to resolve the problem.

Councilman Cappella said this is like a person calling up to complain and not receiving a response. After a while the person is angry, not because of the problem, but because there was no call back. This didn't start with the new Mayor. This has been going on for over three years, ever since the residents had a meeting with the Village when the sewer plant was slated to be built. The residents have repeatedly been asking questions with no answers. The residents are *angry* and frustrated from not getting any feedback. They are also angry, because they have no representation in the Village. With the newly elected officials, we were hoping things would get better. However, it gets worse. Councilman Cappella detailed how 3 or 4 years ago the residents in Arcadia had to pay for repairs to a sewer pipe with eleven breaks. It cost them \$110,000 which was a separate bill. He feels that with the up-coming meeting we are extending ourselves to open up a dialogue to get the necessary answers in all fairness to the residents and the Town. It's not only the new increase, but increases of the past that need to be addressed. The residents are looking for options, if it comes in a regional sewer system or whatever, they want fair representation.

Councilman Lyons noted the recent letter published in the newspaper titled "Village trustees to town board: Pay your bill". It was signed by the Mayor and all of the Trustees. "They just think that we should just pay the bill." We are looking for information. He thinks that an elected official along with an attorney and an engineer should be present at the negotiations. He's hoping for a change, but feels that at this time things look "bleak".

In a somber tone, Supervisor Bloomfield stated that if we cannot get the requested data to our satisfaction very soon, then we need to seek help from the State of New York. In all fairness, he would ask them for equal treatment for us. We have to come up with reasonable rates and deal with this issue. We started asking for data in March and have not received the data requested. He feels badly about it. The Village has "incredible" financial pressures with their new plant etc. as we do. "When you have knowledge and you have cooperation and you have respect for each other, *it works*". Repeating one more time, "The Town of Goshen is not the issue; it is the Village and their customers". "...we don't create that cost. That cost is given to us and we give it to the people and the people want answers".

A few weeks ago, the public called a meeting for Councilman Newbold and Supervisor Bloomfield to attend. There were around 80 or 90 residents from Arcadia Hills and Hambletonian Park present. Unfortunately, Councilman Newbold was unable to attend due to illness. Supervisor Bloomfield summarized two of the issues that came out of the meeting. One was why are the residents getting charged more than they anticipated and what are they being charged for. The other question was what is the Village doing to reduce the cost and will they ever see relief again. People were saying "I'm going to lose my home".

Attorney Caplicki wanted to know what the consensus of the Board was in order to relay the message to the Village via their Attorney. Perhaps we could have the liaison; Attorney and engineer offer their services to try to resolve this issue. This is a question of time and how fast it can be resolved. Supervisor Bloomfield asked what if this doesn't get done and it drags on to the next work session. This is becoming more than an issue of facts - it's costing money to pursue.

Supervisor Bloomfield took comments from the audience.

Broderick Knoell inquired if anyone has compared these high rates to another similar plant in operation in another municipality.

Response: we are trying to get this information from a reverse position. We are trying to have our Engineers get this information (without having access to the records) based upon comparisons of size, gallon usage, etc. from other communities. Even in gathering this information, our recourse is questionable.

Geri Corey asked for clarification as to who is presently involved in the negotiation.

Response: We proposed that our liaison meet with their counterpart and any one else they propose. The Village is taking the position that they don't want their elected official to take part in the negotiations. They recommended that the Attorneys do this. Furthermore, we suggested that the Engineers for the Village and the Town meet to review the technical data. The Village is to discuss this at their next meeting. Our past attempts to meet with the Mayor failed.

Supervisor Bloomfield opened up to the Board a final suggestion to resolve this problem. He asked if the Board would agree for him to contact the NYS Comptrollers office for an immediate audit of the Village sewer rates. No one is agreeing to anything and this can continue for weeks and weeks. Meanwhile, we have a responsibility to our residents in these two subdivisions to inform them of where we are and to create rates. "I don't like doing that, but what we've been doing up to now hasn't been working".

Attorney Caplicki stated that in the meantime we will continue to persevere with our formal FOIL requests hoping for responses. However, the manner of response and in terms of our time line is questionable.

Councilman Canterino, who is a Village resident, has the same concerns as the residents of the Town. He notes escalating costs of special assessments and the water charges are not on their tax bill. So whatever is added is an increase in charges. The Village residents likewise would like to know where is this going, how much is this going to cost me and can I afford to live in Goshen? Councilman Canterino agreed that this may be the only way to get the information to *all* of the residents in Goshen.

Councilman Newbold agreed that people need to know how to budget for their family needs. We represent the residents of Goshen. If this is the only way we can get answers, then he supports the Supervisor's decision.

Councilman Cappella repeated his statement of support in this decision. This is over three years in the making and we need answers.

Councilman Lyons also agreed with the decision. People will be looking for answers, referencing the upcoming meeting on the 28th. There will probably be a larger turnout than the last meeting. He would like to see us move forward. He would rather see cooperation between the Village and Town to settle this. However, if we hit a "brick wall" then we'll have to call in an independent party.

All agreed that this be done "in tandem" assuming that we will eventually receive the information detailing the sewer rates.

Supervisor Bloomfield made a motion authorizing the Supervisor to contact the State of New York's Comptroller's office to ask for an audit of the sewer finances from the Village and the sewer finances for the Town. Councilman Newbold seconded the motion.

Discussion: Supervisor Bloomfield said that "if we can learn something that we're doing wrong or have done wrong – good! If we learn that we're doing everything good – great! Then it should be the same for the Village as us".

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

Discussion:

Jerry Boss repeated a previous request - He requested that the Town contact the NYS Comptroller's office to request the Dept. of Audit Control to institute a forensic audit of the expenditures incurred by the Town of Goshen taxpayers for the construction of the Village of Goshen sewer plant. Perhaps this audit and the present audit now being conducted by CPA Steven Brown (relative to charges levied by the Village of Goshen on Hambletonian Park and Arcadia Hills the usage of the Village of Goshen sewer facility) will give the Town of Goshen taxpayer a clear-unbiased explanation of how the Town of Goshen's taxpayer's monies were expended. He asked if someone would contact former Mayor Weinberger to reveal the three communications that he has received from audit control turning his request down. Mr. Boss believes that there is a criminal investigation being conducted by the Attorney General's office relative to Alpine Engineering.

Joel Markowitz commented on the greatest bulk of inherited increases, facility construction costs and surcharges. (Inaudible) He is in agreement with the Town's decision for an audit to eliminate doubts, speculation and suspicion.

Supervisor Bloomfield thanked the public and the Board for their input and support. He believes that "we are doing the right thing for the right reasons, even though it is upsetting to do so".

5. SET PUBLIC HEARING FOR HERITAGE ESTATES DEVELOPMENT OF A WATER/SEWER DISTRICT

Councilman Newbold made the motion to set the public hearing date for Heritage Estates development of a water/sewer district on June 11, 2009 at 7:30pm. Councilman Canterino seconded the motion.

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

6. ESTABLISH A CARTER AND HAULER FEE SCHEDULE AND SET A DATE FOR A PUBLIC HEARING

Attorney Caplicki referenced a Resolution presented to the Board in connection with section 80B of the Town Code, specifically Section 19. To establish a license/permit fee in the sum of \$100 per vehicle or truck utilized by a carting or hauling business within the Town. We don't need a public hearing for this. It can be accomplished by simple resolution per our existing code. Basically we are increasing the \$25 charge and clarifying the details that it is by vehicle and not by entity.

**TOWN OF GOSHEN
RESOLUTION**

Establishment of License and Permit Fees for Haulers/Carters Pursuant to Chapter 80B of the Code of the Town of Goshen

INTRODUCED BY: Councilman Philip Canterino
SECONDED BY: Councilman Louis Cappella
DATED: May 14, 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 14th day of May, 2009;

WHEREAS, Chapter 80B of the Code of the Town of Goshen provides for licenses for any person conducting hauling activity in the Town of Goshen and permit fees to operate a carting business within the Town of Goshen, and

WHEREAS, the Town Board of the Town of Goshen wishes to establish said license/permit fees for a person or entity from conducting activities or operating a carting business in the Town of Goshen, and

NOW, THEREFORE BE IT RESOLVED, that pursuant to Section 80B-19 of the Code of the Town of Goshen, the Town Board of the Town of Goshen does hereby establish a license/permit fee in the sum of \$100 per vehicle/truck utilized by a carting/hauling business within the Town of Goshen geographical boundaries. Said fee(s) shall be paid on an annual basis subject and pursuant to application for license/permit which shall be available at the offices of the Town Clerk, Town of Goshen. Said application shall be submitted and approved prior to any individual, business or entity commencing activity within the Town of Goshen.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 5 to 0

E. NEW BUSINESS:

1. BUDGET OFFICER'S REQUEST TO CLOSE JOINT RECREATION SPECIAL GAMES OF CHANCE BANK ACCOUNT WITH BANK OF AMERICA

A memorandum from Bill Standish to the Town Board was read by Supervisor Bloomfield as follows:

[Date: 2009-05-06]

[Re: Close Unused Bank Account]

As Budget Officer, I am requesting approval to close the Joint Recreation Special Games of Chance bank account #0048 3447 5564 with Bank of America, which has a current balance of \$526.72 as of 3/31/09. The balance on closing date will be transferred to the "CR" Fund cash account.

Councilman Cappella made a motion to accept the aforementioned memorandum. Councilman Lyons seconded the motion for discussion.

Discussion:

Councilman Lyons believes that the money was generated by Joint Recreation and should be returned to Joint Recreation, not to the "CR" Fund cash account.

Supervisor Bloomfield was unsure of the answer. He suggested that we need more information before we proceed.

Councilman Lyons withdrew his motion. No vote was taken. Memorandum was tabled until more information can be acquired.

2. APPOINT GIOVANNI PIRRAGLIA TO THE BOARD OF ASSESSMENT REVIEW

Councilman Cappella made the motion to appoint Giovanni Pirraglia to the Board of Assessment Review to fulfill the balance of Manuel Pardo's term which expires September 30, 2011. Councilman Newbold seconded the motion.

Discussion:

Supervisor Bloomfield mentioned that we had several candidates who were interested in the position. Mr. Pirraglia has had the training and experience, whereas the other candidates have not.

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

F. FINANCE

Councilman Canterino made the motion to authorize the Supervisor to pay manual check run of 4/30/09 amounting to \$83,994.45 and accounts payable check run for 5/14/09 amounting to \$67,648.29. Councilman Newbold seconded the motion.

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

G. PRIVILEGE OF THE FLOOR

Jerry Boss thanked the Board for being pro-active. Pertaining to the FEMA Flood Plains Guide, he was concerned about the amount of gallons of effluent that might go into the Otterkill and/or the Black Meadow during heavy rains, if subdivision details are approved. The added amount of gallons into the stream might flood his property or cause him to be in a flood plain.

Neil Hickok spoke about doing business with Federal Credit Unions. (Inaudible)

Joel Markowitz referenced Hambletonian Park and Arcadia Hills sewer districts in the Village. The Village regards the Town as their *only* customer, not the residents in those districts. He has heard this time after time. His concerns (inaudible).

EXECUTIVE SESSION

Councilman Canterino made a motion to enter into Executive Session to discuss a personnel issue relative to Joint Recreation, with the intent not to return. The motion was seconded by Councilman Lyons. Motion carried.

Time: 10:00PM

Priscilla Gersbeck, Deputy Town Clerk