

**TOWN OF GOSHEN**  
**TOWN BOARD MEETING**  
**September 10, 2009**  
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 10th day of September, 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
	William Standish	Budget Officer
	Priscilla Gersbeck	Deputy Town Clerk

**A. CALL TO ORDER**

The meeting was called to order by Supervisor Bloomfield at 7:35pm, followed by the Pledge of Allegiance

Councilman Newbold wanted to remind the public that tomorrow is 9-11. There will be a Memorial Service at Orange County Park at 5:30pm. To please keep those who died on 9-11 in their prayers. Supervisor Bloomfield acknowledged the passing of John Matta. Besides serving two terms as a Town Councilman, he was active in the community.

**B. AMENDMENT TO THE AGENDA**

Councilman Cappella requested an addition to the agenda pertaining to Dial-A-Bus with the Town of Hamptonburgh.

**C. PRIVILEGE OF THE FLOOR**

None at this time

**D. OLD BUSINESS:**

**1. APPROVAL OF THE MINUTES**

Councilman Newbold made the motion to approve the work session minutes of August 10<sup>th</sup>, and the regular meeting minutes of August 13<sup>th</sup> and August 27<sup>th</sup>. Councilman Lyons seconded the motion.

Discussion: Councilman Lyons made a few corrections to the minutes. The Clerk agreed to make the necessary corrections.

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

Councilman Lyons made the motion to approve the work session minutes of August 24<sup>th</sup>. Councilman Cappella seconded the motion.

Discussion: Councilman Lyons made a few corrections to the minutes. The Clerk agreed to make the necessary corrections.

On a Voice Vote, the motion passed: 3 AYES Cappella, Lyons, Newbold  
0 NAYS  
2 ABSTAIN Bloomfield, Canterino

**E. NEW BUSINESS:**

**1. REVIEW SECOND DRAFT OF PROPOSED 2010 BUDGET**

Supervisor Bloomfield summarized the "state of our budget". The total tax rate started at 21.89% and is now at 12.81%. We are doing well in most of the funds except for fund B. Fund B has 2.7 million in it which is paid for by the Town. It encompasses the Police Dept., GOVAC, Humane Society, Joint Recreation, Building & Zoning Office and the Senior Center.

William Standish recapped the first review of our proposed budget from the last work session. Currently the A fund will increase 18%, B fund will increase 71%, DA fund will decrease 47% and the DB fund will decrease 1.5%. As previously mentioned, Mr. Standish is proposing that the B fund needs to cut an additional \$175,000 to bring the tax rate down in that fund to 48%. A proposed \$150,000 cut from the Police Dept. and remaining \$25,000 cut from Joint Rec., GOVAC and Senior Center is proposed. As a result, the tax rate with PDR will be 7.54% overall and without the PDR will be 4.35%.

Mr. Standish continued detailing the ways the Town has tried to become debt free. By doing so, we can eliminate the legal fees and interest fees associated with renewing debts. One of our two largest items are, Capital Note 1: Capital Road Improvement has been increased from \$200,000 to \$250,000 in 2010 as a cash line. This is very close to our target of \$300,000+. The other is, Capital Note 2: Capital Highway Equipment has been increased from \$150,000 to \$165,000 as a cash line. Working towards a cash line will still enable us to purchase good used equipment without burdening the tax payer.

Supervisor Bloomfield noted that in the last two years we have been paying debts off by not borrowing. "We pay as we go or we don't go".

**2. RESOLUTION: TOWN OF GOSHEN RE-EVALUATION, RETAIN ROBERT D. HILBERT CONSULTANT**

Supervisor Bloomfield explained that the Assessor is appointed for six years. According to New York State law, the Assessor is an independent position. The Town has no authority over the position. This person can be domiciled in any building. It just happens that the Assessor is located in the Town Hall. In the past years the property values have been going up. Recently the property values have gone down. Now people are complaining about their assessment and their taxes. As a result, there have been numerous grievances filed for Small Claims Court. In 2007 there were 5 small claims, in 2008 there were 40, in 2009 there were 107 and in 2010 there are 136.

The only way to stop this from continuing is to do a re-valuation. To review what was presented at Tuesday's work session. Years ago, an outside company was brought in to do the re-evaluation. The company we are hiring will do the re-evaluation in house. The starting date will be October 2009 to be completed in May 2011.

**TOWN OF GOSHEN  
RESOLUTION**

**Retention of Robert D. Hilbert of Rochester, NY for Consulting Services with Respect to Revaluation of Town of Goshen Real Property Parcels**

INTRODUCED BY: Councilman Philip Canterino  
SECONDED BY: Councilman Kenneth Newbold  
DATED: September 10, 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 10<sup>th</sup> day of September, 2009.

WHEREAS, the Town of Goshen is interested in obtaining consulting services for the purpose of revaluing its assessment roll concerning real property parcels within the Town of Goshen, and

WHEREAS, the Town of Goshen has sought proposals from certain professional consultants for said purpose, and

WHEREAS, Robert D. Hilbert of 32 Ripplewood Drive, Rochester, New York has submitted a proposal to the Town of Goshen for consulting services with respect to said revaluation; Schedule A annexed hereto, and

NOW, THEREFORE BE IT RESOLVED, that the Town of Goshen retain Robert D. Hilbert for consulting services with respect to the re-evaluation of Town of Goshen real property parcels upon such terms as are set forth in Schedule A annexed; the total cost of said services not to exceed \$15,000.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, Philip Canterino	<u>AYE</u>
Councilperson, Louis Cappella	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>		

*Vote: Resolution carried by a vote of 5 to 0*

**3. RESOLUTION: HIRE LAURIE COADY RE: TAX CERTS**

Supervisor Bloomfield stated that with the 136 small claims against the Town, our Assessor will probably do 35-40 and Ms. Coady will do the balance. Ms. Coady has done a thorough and satisfactory job in the past.

**TOWN OF GOSHEN  
RESOLUTION**

**Retention of L.J. Coady Appraisal Services and Ms. Lori Coady for Consulting Services and Preparation of Valuation Reports with Respect to 2009 SCAR Proceedings Against the Town**

INTRODUCED BY: Councilman Philip Canterino  
SECONDED BY: Councilman Kenneth Newbold  
DATED: September 10, 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 10<sup>th</sup> day of September, 2009;

WHEREAS, the Town of Goshen has received numerous Small Claims Assessment Review petitions with respect to residential parcels of real property located with the Town of Goshen, and

WHEREAS, the Town of Goshen is in need of professional consulting services with respect to said SCAR proceedings/petitions and requires the assistance of an appraisal professional, and

WHEREAS, the Town of Goshen is in receipt of an appraisal proposal from LJ Coady Appraisal and Lori Coady, Appraiser; the terms of which proposal are set forth in the annexed Schedule A, and

NOW, THEREFORE BE IT RESOLVED, that the Town of Goshen does hereby retain LJ Coady Appraisal and Lori Coady, Appraiser for purposes of preparation of real property reports concerning residential properties located within the Town of Goshen which are the subject of Small Claims Assessment Review petitions the terms of which are set forth in Schedule A annexed; the total cost of said services not to exceed \$8,500.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, Philip Canterino	<u>AYE</u>
Councilperson, Louis Cappella	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>		

*Vote: Resolution carried by a vote of 5 to 0*

#### **4. HAMPTONBURGH DIAL-A-BUS WITHDRAWAL**

Councilman Cappella reported on a letter received from the Town of Hamptonburgh. The Town of Hamptonburgh passed a Resolution on September 2, 2009 withdrawing from the Dial-a-Bus Agreement effective on December 31, 2009. About 90-91% of Dial-A-Bus usage is reimbursed by Federal Funding. It not only serves Senior Citizens, but the handicapped too.

#### **F. FINANCE:**

Councilman Canterino made the motion to authorize the Supervisor to pay manual A/P check runs as of August 18, 2009 amounting to \$397.16 and accounts payable check run of September 10, 2009 amounting to \$81,365.55. Also manual A/P runs as of 9/10/09 amounting to \$272,653.39. Councilman Cappella seconded the motion.

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

Council Comments: Councilman Newbold thanked Supervisor Bloomfield and Councilman Canterino and Bill Standish for all of the time they have spent on working on the Town Budget. The Board Members unimanously thanked Mr. Standish for his thorough and professional work on presenting the tentative budget.

#### **G. PRIVILEGE OF THE FLOOR:**

**Ray Rooney** inquired why there was a 71% increase in Fund B. (answer) Everything is going up. The cost increase in the Police Dept. for services to the Town, NYS Retirement fund, legal & engineering expenses for Zoning Code changes, partial moratorium caused a 60% decrease in building permits, NYS Workman's Comp increased along with Joint Recreation expenses. Last year's budget is available to the public to view. Mr. Rooney would like to compare previous budget(s) to the current proposal to see where increases have occurred. Mr. Rooney also addressed the purchases of open space. Supervisor Bloomfield gave a brief history of the open space parcels that the Town has purchased. The Town will close its final purchase on September 30, 2009.

**Jerry Boss** said that he read in the newspaper that the Town Auditor, Steve Brown, has completed his audit at the Village. He would like to know where the deficits are pertaining to certain fees to the Village. Supervisor Bloomfield detailed the background as to the billing procedure for collecting water/sewer monies from the residents in Hambletonian Park and Arcadia Hills. The Town questioned the Village as to the increase in the bills. He wanted to know if the amount stated was the wrong amount or did the Village spend more money than they told us they would. At that time Mr. Brown conveyed to us that some of the items billed were inappropriate. The Town then hired an engineer to review all foiled data and present his findings to the Board members. The result of the discussion was that the Town has been over billed and did not need to pay the amount indicated. Supervisor Bloomfield then sent a letter the Village Mayor asking for a meeting to negotiate a new IMA based on the new information from our auditor and engineer. At the same time, the Town has before the Board an applicant who wants to build seventy homes looking at options for sewer treatment. Supervisor Bloomfield stated for the record, "that when the builder came in, the first place we said was going to the Village first and find out whatever. We didn't try to steer him away from there." Supervisor Bloomfield feels that we need to move on with creating a new IMA and creating a new sewer district.

Mr. Boss also questioned that the Risk Assessment Team from the NYS Comptroller Office has been here and gone. Do they have a target date as to when they are going to begin their audit? Supervisor Bloomfield has had no communication from the NYS Comptroller's office.

To answer the question of deficits; Attorney Caplicki stated that the Village was informed last Wednesday, of some of the deficiencies we believed have been inaccurately billed to the Town. This correspondence also covered that the Town is willing to meet, any time, any place, any where to provide details and requested the Village respond to this. The Town needs to discuss a new IMA with the Village and to address the potential developer's issue of sewer options. Due to legalities, the deficits were not addressed at this time.

**Allison Graesser**, (Hambletonian Park) asked Supervisor Bloomfield, to state for the record, what is the standing of the John Hall funds. Bill Standish answered; that he received a phone call today at 4:38pm noting that the funds are available. (inaudible) The funds will go directly into the account for the water main replacement. (Inaudible) The final number is \$382,000. (Inaudible) Mrs. Graesser inquired that with the credit, are the residents going to pay the same annual surcharge. Supervisor Bloomfield stated that their water district is in the black. By contrast, their sewer district is in the red. We are building funds in all of the water districts. For the first time ever, in the calendar year 2008, we ended up in the black. We had to pay off a significant number of water line breaks around \$70,000 total. Mrs. Graesser discussed other available grants. Supervisor Bloomfield stated that the Town has put in for a 2 ½ million dollars grant for sewer line repair and replacement in Hambletonian Park and 2 million dollars for replacement and repair of the sewer lines in Arcadia Hills of stimulus money. He is doubtful of the amount of stimulus money that will trickle down to us. The public can help by phoning our Congressman and Senator.

**Dan Matteo** (Hambletonian Park) stated that he has received phone calls about an article in the local newspaper pertaining to the Village Mayor's order to turn off the sewer pumps to Hambletonian Park. Supervisor Bloomfield detailed the events of that morning. Mr. Matteo was concerned about the Village Mayor's disregard for the health and safety of the residents in Hambletonian Park. If this did happen it would create a health hazard.

Councilman Canterino was grateful for the fact that our water and sewer employees took the initiative to properly address the situation. If this actually happened “we would have had a catastrophe on our hands” stated Councilman Canterino.

Councilman Cappella noted that the two subdivisions shut-off’s are on Town property; furthermore the site is secured by the Town.

Mr. Matteo asked if any laws were broken by initiating the directive to turn off the sewer pumps.

Attorney Caplicki stated that “the potential certainly existed; again it did not rise to that level. No overt act was committed other than verbalization”. Currently, this is an on-going investigation.

**John Mungo** (Hambletonian Park) directed his question to Councilman Canterino. He asked what can be done to implement the IRS regulation/law to enable a tax write off to customers with respect to sewer and water. The Village Board needs to calculate the percentage of sewer usage to send along with a resolution and the necessary paperwork. The Town will draft a letter requesting the procedure to do likewise for water usage. This is a tremendous tax benefit. Washingtonville has been doing this for years.

Mr. Mungo asked what was the cause of a sewer blockage in front of his home.

Supervisor Bloomfield checked with an employee in water & sewer who stated that a brick along with a couple of stones dislodged and clogged.

**Joel Markowitz** felt that it was outrageous for the Village to *order* the Town to do anything, referencing the order to turn off the sewer pumps to Hambletonian Park and Arcadia Hills. If the action was taken, the liability would be mutual in both municipalities, one for issuing the order and the other for carrying it out. It never got to that level. Discussion followed as to investigating this matter and the conduct of all of those involved. As stated in the past, Mr. Markowitz feels that a joint meeting between the Town and Village would be beneficial to all.

**Councilman Cappella** took offense that the Town Board was called a liar and a coward in the article published in the Times Herald-Record paper. He also took offense that the article stated that the Town has never tried to meet with the Village. Councilman Cappella explained the numerous times the Town has tried to meet with the Village. There have been many attempts by individuals, letters and by any way possible. For the paper to publish “that we have been ducking them or haven’t approached them, that is an outright lie”.

**Councilman Newbold** also stated that he has tried many times to have the opportunity to meet with the Village Liaison, Trustee Roddey. With *no* success.

**Supervisor Bloomfield** stated that a letter has gone out to the Village for a joint meeting. There is a high degree of urgency to address the IMA and the sewer district for Heritage Estates etc. We are waiting for the formal confirmation of a meeting date with an agenda.

**H. EXECUTIVE SESSION:**

Councilman Cappella made the motion to enter into Executive Session to discuss the following,

1. Owen's Road LLC Litigation
2. ADC Orange Inc. Litigation
3. Legal Counsel - Follow-up sewer issue

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

**I. ADJOURNMENT**

The public meeting adjourned to Executive Session at 9:37pm.

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Priscilla Gersbeck, Deputy Town Clerk