

**TOWN OF GOSHEN
TOWN BOARD MEETING
December 11, 2008**

A Regular Meeting of the Town Board of the Town of Goshen was held on the 11th day of December, 2008 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	Louis Cappella	Councilman

Absent: Philip Canterino, Councilman

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

A. CALL TO ORDER: Supervisor Bloomfield opened the meeting at 7:30 p.m. and asked Michael Grady to lead the Pledge of Allegiance.

B. AMMENDMENT TO THE AGENDA: None

C. PRIVILEGE OF THE FLOOR: (agenda items only) Tina Bast approached the Board saying she was at an earlier meeting with the group from Lisa Lane. She said at that time the Board had said they would respond to Mr. Lawler, Executive Director of Crystal Run Village, Inc., in regard to placing a group home on Lisa Lane. She asked if it was done and if the Board had heard back from him.

Supervisor Bloomfield said the Board did write a letter to Mr. Lawler stating all the reasons that were discussed that night. He said the letter stated all the reasons why they felt this home was a poor choice for a group home. He said he received a letter in return and he proceeded to read the letter to the public.

Dear Mr. Bloomfield:

I am in receipt of your letter of November 26th, 2008 in which you object to the placement of a community residence on 3 Lisa Lane.

We do not believe the criteria offered in the objection meet the criteria offered to the site selection law. Therefore, we have written to the Director of Developmental Disabilities Services office. Hudson Valley Region requesting that we proceed to the next level and convene a Commissioner's Hearing where both sides may be heard.

I expect that we will both hear from the DDSO in the near future.

Sincerely,

James J. Lawler
Executive Director

Supervisor Bloomfield asked Attorney Caplicki to explain what occurs at a Commissioner's meeting. Attorney Caplicki explained that the next formal proceeding would be a Hearing by the Department of Mental Hygiene, in regard to the placing of a facility on Lisa Lane. He said the Commissioner's office will appoint a Hearing Officer who will conduct the Hearing, allow input from the public, and/or the municipality. He said then that the Commissioner will actually make the decision. Supervisor Bloomfield said when he talked to Mr. Lawler on the phone he said with the financial crisis that is now in New York, there is a high probability they will not have the money to purchase this home.

Mary Rogich Patrickson addressed the Board thanking them for writing the letter in protest against the purchase of the group home being placed on Lisa Lane. She said after some research she felt this would be important and bring good results. She said her family has had time to prepare more issues and concerns, which she would not address tonight, as she felt the Public Hearing arranged by the Hearing Officer would be the better place and time to air their concerns. She asked how much time the public would have prior to the Hearing? Attorney Caplicki answered saying the State would notify the Town and the Town would have to see that the public had ample time to attend the meeting. The State is under no requirement to notify the residents, but our Town Board would be sure to see our residents have ample notice. Mrs. Patrickson asked if the residents could bring their own attorney to the hearing. Attorney Caplicki assured her she could and have him contact Attorney Caplicki, if he does plan to appear.

She asked if the Board used only the saturation argument or other proposed sites. Supervisor Bloomfield said the Board decided against suggesting other sites at this time and used the saturation issue instead. Supervisor Bloomfield suggested she leave her name and address and the clerk could send her a copy of the letters exchanged between the Board and Mr. Lawler. There was a brief discussion on how these cases were handled and how the State searches for the locations to place these group homes in. Attorney Caplicki explained that some times the State would solicit residents, but usually they would contact a realtor in the area in which they are interested.

Mrs. Patrickson said there is a maintenance agreement, but the owner of 3 Lisa Lane never contributed their share to any project and basically, of the four residents only two really do all the work. She asked if these same two are going to be responsible for maintaining the road with all the additional traffic this home would generate.

Patricia House addressed the Board stating she is not a resident of Lisa Lane, but she is a resident of Goshen and is very upset that they are planning to put another group home in Goshen. She said in July she was assaulted by a resident of a group home in Goshen. She said they have done nothing for her and she has paid her own medical bills. She said she finds it absolutely appalling that they would consider placing another home here.

She said her assault was entirely unprovoked, she was taken to the hospital and nothing has been done by anyone. Supervisor Bloomfield asked if this was reported to the police and Ms. House responded saying yes there is a police report. She said she was taken to Arden Hill Hospital and she still suffers from the affects of that day and that is why she is here tonight.

Supervisor Bloomfield said this would be very good input for a Public Hearing with a Hearing Officer, and hearing the details he could perhaps obtain some kind of help for Ms. House. He asked where the person who assaulted her lived. Ms. House replied she lives in a Goshen Group Home; she believed it is named St. Dominic's. She said there is a police report and a video on file of the assault which shows it was not a provoked incident. She said she lives at 358 Arcadia Road, but her assault was not a result of the group home that is located on Arcadia Road. Supervisor Bloomfield thanked Ms. House for coming forward to give this information to the Board and stated it will be helpful to have this available for the Public Hearing to fight against this group home. He said in the mean time if she could stop in his office some time during this coming week, he would see if there is something he could do to help Ms. House resolve this situation.

Councilman Lyons suggested she contact the Crime Victims Association or Board. She said she has called them and they never return her calls. When asked about Legal Aid she said she cannot get an attorney to represent her, she has not been able to find any help anywhere.

D. REPORTS:

COUNCILMAN LYONS, reporting on JRC, said there were rumors going around that approximately \$11,000 would be cut from the JRC Budget. He said upon investigation, there are no cuts to the JRC funding from the Town. He stated we allocated \$85,000 for 2009, and that is what is in the 2009 Budget.

He said David Crawford attended the JRC meeting held this last Tuesday and presented the Board with preliminary drawings for the expansion of the kitchen and pavilion at Craigville Park. Councilman Lyons said he has them if anyone would like to see them. He said the final drawings will be finished soon.

Councilman Lyons reported JRC is contacting local landscaping architects to see if perhaps someone will donate their time to create a plan for the back area of the Salesian Park, where a pavilion and bathrooms are proposed for open fields for Soccer or Little League.

He said the first annual Turkey Trot was held at Salesian Park, and was a great success, as was the Chicken Chucking contest. The Chicken Chuck contest raised \$81.00, which was donated to the First Presbyterian Food Pantry. Councilman Lyons said the Commission has received a large number of requests and they will try to do some kind of fun run in the Spring.

He also reported 112 Goshen residents attended the annual Christmas Spectacular at Radio City Music Hall, and a great time was had by all. He proceeded to explain how the trip is funded and how the winners are selected. He said approximately 800 people applied.

Supervisor Bloomfield said he would like to comment on the budget process for this year. He explained that the two largest source of income, the Sales Tax and the Mortgage Tax are both going to be coming in lower than in the past. He explained that after the budget was finished this year, the first check came in and it is less than the amount anticipated. This was the

Mortgage Tax, and now the Board has to decide how it can get along with less money than the budget had planned for. He said the Board will work with this, but when it comes to Recreation and portions of Highway, the Senior Center, etc. are dependent on the Sales Tax. The Board projected one million dollars for the sales tax and it may not turn out to be that amount. He said he was talking to one of the members of the Recreation Commission and conveyed this to them. He felt this was what might have started the rumor of the proposed cut in funding.

COUNCILMAN NEWBOLD reported next Tuesday he and the Supervisor will be meeting with Congressman Hall to give him our wish list for this year. He said they have asked about the \$392,000 or the \$400,000 that was supposed to be awarded to Hambletonian Park and was never received. He said they were told it is still forthcoming. He said the Board is well aware of the problems out there in the Water/Sewer Districts and will continue to work on them.

COUNCILMAN CAPPELLA said he really didn't have a report as they are usually given at the last meeting of the month, but there will not be one this month. He said however, he would like to reflect on an article that was on the front page of the Times Herald Record about the cost of salt this year, and how the municipalities will have a rough time paying for it if the winter is bad. He said if we have a bad winter, with ice, etc. it could take a toll on the projected budget. He said he was shocked to hear the cost had gone up 25%. He reported our salt shed is full at this point and that is good, as this was purchased in last year's budget.

Councilman Cappella reported the Senior Center is doing well and rentals are going up. He said Dial-A-Bus is doing well too and keeps increasing every year by 10%. He said he would give a full report on Dial-A-Bus at the next meeting in January. He said he would like to wish everyone a Happy Holiday and "as a Board we are proud to service this community."

SUPERVISOR BLOOMFIELD reported the Cornell University Cooperative Extension every year has a program that honors the agricultural volunteers who make significant contribution to our community of farmers, and they rank them. He said he was happy to announce that John and Diane Lupinski and their son were honored as volunteers of the year for 2008. He said he attended the banquet and was so proud of them. He stated that John has been on our Planning Board for many, many years. He said John, his wife and his son have been teaching in the High Schools and Elementary Schools about farming. John has been president of the local Agriculture Society, and active in many other farm related organizations. Supervisor Bloomfield said he was so pleased to see them being recognized.

E. OLD BUSINESS:

1. IWS – Request for Unpaid fees – Status Report: Supervisor Bloomfield said the Board has requested IWS to pay unpaid fees, and he asked Attorney Caplicki if he had heard anything from them. Attorney Caplicki replied no, but he had made contact with their attorney and their agent. He said he would get back to the Board as soon as he hears from them.

2. AUTHORIZE FUNDING FOR REVIEW OF TAX CERT PROPERTY APPRAISALS: Attorney Caplicki explained that among the tax certiorari now pending against the Town, there are two, one involving the Goshen Shopping Center and 124 Goshen Partners, two office

buildings. He said Donald McGrath is an appraiser, who he has used in the past. Mr. McGrath has submitted a proposal of \$600.00 - \$750.00, to review and analyze the appraisal of the petitioner for the subject properties.

He stated the Goshen Shopping Center, which is further along, will need a summary appraisal for the years 2003 to 2008 at a fee totaling \$6,000. Councilman Lyons asked for clarification as to the fees involved in this Resolution? He said in a letter dated December 1st Mr. McGrath quotes two amounts: the \$600-\$750 to review the appraisal and \$3,000if the Board should decide to proceed. Attorney Caplicki said this Resolution is only approving the \$600 to \$750. He explained the procedure will be done in three stages.

RESOLUTION

**Authorization to Retain Donald M. McGrath of McGrath & Company, Inc.
As Appraiser for the Town of Goshen With Respect to Tax Certiorari Proceedings,
Goshen Shopping Center, 124 Goshen Partners**

INTRODUCED BY: Councilman Louis Cappella
SECONDED BY: Councilman Kenneth Newbold
DATED: December 11, 2008

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 11th day of December, 2008;

WHEREAS, the Town of Goshen presently has pending against it two (2) tax certiorari Proceedings; to wit, 124 Goshen Partners and Goshen Shopping Center, and

WHEREAS, it is necessary to retain an appraiser to analyze and prepare appraisal (s) with respect to said proceedings,

NOW, THEREFORE BE IT RESOLVED, that Donald M. McGrath of McGrath & Company, Inc. of Fishkill, New York be retained as an appraiser with respect to the aforementioned tax certiorari matters; said appraiser to provide the services as set forth in fee proposals dated December 3, 2008 with respect to Goshen Shopping Center and November 25, 2008 with respect to 124 Goshen Partners.

Upon Roll Call Vote:

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

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

Supervisor Bloomfield explained to the public what a tax certiorari is and how and when they occur and the Assessor's part in handling them. He explained the Town Board has no authority over the appointed Assessor. However, the Town is obligated to defend the Assessor's position when there is a contested assessment, known as a tax certiorari.

3. CRYSTAL RUN VILLAGE, INC. – LISA LANE: Supervisor Bloomfield said this was addressed earlier in the evening.

F. NEW BUSINESS:

1. BUDGET OFFICER REQUEST TO PAY OFF BAN – HAMBLETONIAN PARK:
Supervisor Bloomfield read the following request from the Budget Officer:

MEMORANDUM

TO: Town Board
FROM: William Standish
Date 12/9/2008
RE: Pay Off Ban – Hambletonian Park

As Budget Officer, I am requesting approval to pay off the Hambletonian Park I & I Study Ban due on 12/26/2008 in the amount of \$30,000. This year's principle is \$10,000 and the remaining balance of \$20,000 principle will be paid by the grant monies received earlier in 2008 for the inflow and infiltration study. This will allow us to pay off the Ban in full, without renewing for another year. It will save us BAN preparation legal fees and another year of Ban interest.

Supervisor Bloomfield explained that Senator Larkin gave us the money to assist Hambletonian Park to do this inflow and infiltration study. The Town has received the check and the Board would like to use this money to pay off the debt.

Councilman Newbold made the Motion to authorize the Budget Officer to pay off the Hambletonian Park I & I Study Ban in the amount of \$30,000. Councilman Cappella seconded the Motion.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 4 to 0

2. **RESOLUTION: BUDGET OFFICER PROCESSING SERIAL BOND TO CONSOLIDATE THE FOLLOWING BANS:** Attorney Caplicki explained that presently the Town has existing and outstanding Bond Anticipation Notes and the Budget Officer would now like to roll them over into one Serial Bond.

RESOLUTION

RESOLUTION TO CONVERT EXISTING BOND ANTICIPATION NOTES INTO SERIAL BOND

INTRODUCED BY: Councilman Kenneth Newbold
SECONDED BY: Councilman George Lyons
DATED: DECEMBER 11, 2008

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 11day of December, 2008;

WHEREAS, presently the Town of Goshen has presently existing and outstanding the following Bond Anticipation Notes:

- | | |
|-----------------------------------|-------------|
| 1. 2004 Salesian Acquisition BAN | \$1,083,331 |
| 2. 2004 Reservoir Road BAN | \$ 200,000 |
| 3. 2006 PDR – North Star Farm BAN | \$ 575,450 |
| 4. 2007 PDR – Knoellwood BAN | \$ 756,000 |
| 5. 2008 PDR – Brookfield Farm BAN | \$ 413,350 |

WHEREAS, the Salesian Acquisition and Reservoir Road Bond Anticipation Notes expire in 2009 and same necessarily need to be converted, and

WHEREAS, the three (3) Purchase of Development Rights Bond anticipation Notes have twenty-year payoff schedules but each will expire within five years of their origination date, and

WHEREAS, it is prudent to convert the aforementioned Salesian Acquisition and Reservoir Road Bond Anticipation Notes and the aforementioned three (3) Purchase of Development Rights Bond Anticipation Notes so as to minimize legal costs for the establishment of separate Serial Bonds individually,

NOW, THEREFORE, BE IT RESOLVED, that the aforementioned five (5) existing Bond Anticipation Notes be converted into one (1) Serial Bond effective January 2, 2009 in the total amount of \$3,028,031: same to mature in 2028.

Upon roll Call Vote:

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

Vote: Resolution carried by a vote of 4 to 0

3. APPROVAL OF MINUTES: Work Session of 11/10/2008 and Regular Meeting of 11/13/2008: Councilman Cappella made the Motion to approve the Work Session minutes of 11/10/2008 and the Regular Meeting minutes of 11/13/2008. Councilman Lyons seconded the Motion with a minor correction on 11/10/2008 and a correction of a company's name from IAG to AIG in the Regular Meeting of 11/13/2008. Motion carried 4 to 0.

There was a request from the Budget Officer for approval to do some end of the year transfer. The request was submitted after 5:00 p.m. and the Supervisor and the Board had not had time to review the transfers. Supervisor Bloomfield will schedule it to be done at a Special Meeting that will be held on December 29th at 6:30 p.m. The Board will ask the Budget Officer to attend this meeting also.

Supervisor Bloomfield made a Motion to hold a Special Meeting of the Town Board of Goshen at the Town Hall, at 41 Webster Avenue, Goshen, New York at 6:00 p.m. on the 29th of December, 2008. The Motion was seconded by Councilman Newbold. Supervisor Bloomfield asked for discussion and Councilman Cappella questioned why the meeting had to be held at 6:00 p.m., as many people can not get from work to a meeting that early. He asked if it could be later and suggest 6:30 p.m. Supervisor Bloomfield modified his Motion to establish the time as 6:30 p.m. The Motion was seconded by Councilman Newbold. Motion carried 4 to 0.

G. FINANCE: Councilman Newbold made a Motion to authorize the Supervisor to pay Manual A/P runs of 12/08/2008 amounting to \$1,016,900.77 and Accounts Payable Check Run for 12/11/2008 amounting to \$387,630.16. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

H. PRIVILEGE OF THE FLOOR:

Mr. Patrickson asked if under the Freedom of Information law he could obtain the file on the Lisa Lane purchase by Crystal Run Village? Attorney Caplicki said he should be able to obtain some of it and he should contact Mr. Lawler.

Mr. Reynell Andrews asked when the final DEIS will be finished. Attorney Caplicki replied the final DEIS final will be submitted to the Town Board on December 19th. He said the Board will then have time to review or modify and accept it. He said in January a Public Hearing will be set on the Comprehensive Plan and the two Local Laws. If adopted at that time, they will be filed and will be enacted by the 9th of February. He said he was not sure of the dates. Councilman Lyons stated he had written them down. He said January 29 was tentatively set for the Public Hearing. He said if the Board accepted it that night; it would be adopted on February 9th and filed February 10th.

Doris Bialas asked what was the difference between a Ban and a Bond. Attorney Caplicki explained that a Ban was used for a short term loan and a Bond is used for long term loan. There was a brief round of discussion about long and short term financing.

With no further comments from the public, Councilman Newbold said he would like to wish everyone a Merry Christmas and a Happy New Year.

Councilman Cappella made a Motion to go into Executive Session without intent to return to discuss the following:

1. Al Turi Tax Certiorari – Status Review
2. Lubavitch Outreach Center Tax Exemption- Status Review
3. Personnel Case Review

The Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

I. ADJOURNMENT: 8:45 p.m.

Valma Eisma, Town Clerk