

TOWN OF GOSHEN
TOWN BOARD WORK SESSION
March 21, 2011

A work session of the Town Board of the Town of Goshen was held on the 21st day of March, 2011 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
	George Lyons	Councilman
	Kenneth Newbold	Councilman

Absent: Louis Cappella, Councilman

Also Present:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

Supervisor Bloomfield called the meeting to order, and led the Pledge of Allegiance

ITEMS FOR DISCUSSION:

1. PUBLIC HEARING: LOCAL LAW #1 – 2011 USE OF "CASH BOND" FOR PERFORMANCE GUARANTEE

Supervisor Bloomfield explained that this law was drafted due to problems, perhaps due to the Economic environment we are in, where builders have not completed projects, and we did not have the funds covered by guarantees, and the projects were left for the taxpayers to pay. He said there were two subdivisions adjacent to each other, and there was supposed to be a through road. However, neither builder wanted to come back and build that road, so if it is to be built it will have to be built by the taxpayers. He said if there were a cash bond, there would have been money available to complete the project and build the road. He explained this is why the Board drafted the proposed Local Law #1-2011, to protect ourselves. He stated he has had many calls, emails, and letters making it obvious that this is "pretty draconian" for what we are trying to accomplish. We are here tonight to listen to what you have to say about it. "We want to come out with a good product that you can live with, and we can live with."

Councilman Canterino said up until 2004 we did not have any bonding, nor Letters of Credit, we took cash bonds only, and any time there was a problem there was money available to take care of it, there was no need to dig into taxpayer funds. Councilman Canterino explained this proposed law was drafted to protect the taxpayer, not totally aware of how devastating it would be to the developer. He said this is why the Board wants to talk to the developers, and work something out.

Supervisor Bloomfield said the Board is not going to close this Public Hearing, and vote this in, we want your input on how to proceed.

Michael Bluestein Esq. stated he was here tonight representing Mr. Cirullo, and Mr. Fini in conjunction with the Builders Association representing other applicants. He stated he is also a resident of Goshen, and he is deeply concerned by this measure for two reasons. One is you are going to hear from all the builders about what this is going to do to development in the Town of Goshen. "Essentially it is a big placard at the entrance of Town, business not welcome in the Town of Goshen." Mr. Bluestein said we all hear about all the litigation the Town is involved with, and this will stop ratables from being produced in a large measure.

He said banks just do not give cash to post, builders do not just have the ability to put in a road that may cost one million dollars, and have an additional million dollars sitting in an escrow account. He said this will stop any project before the Planning Board at this time. He said it is insane what this proposal is looking to do. "This Town should be promoting business ratables, not trying to destroy them."

Mr. Bluestein stated that if you read case law, and I am sure Mr. Caplicki has told you, it is illegal to do this. He said Town Law 277 which gives several different ways that a Performance Bond can be posted, and one of them is a Letter of Credit, another is the Performance Bond. It basically says that you cannot supersede New York State Town Law by imposing your will ahead of what the Town Law requires for the posting of the bond. As a resident he stated this Town does not need any more law suits, we attorneys will be the only ones making money when all the developers sue the Town of Goshen.

Mr. Bluestein stated the Letter of Credit is valid, and if developers left Town without fulfilling their obligation, it must have been because the Letter of Credit expired. He said they are renewed every year, and they have to be monitored regularly.

Councilman Canterino said we are looking to the future and protection for the tax payers, and trying to find a solution to the risk factors the Town has, even with an Irrevocable Letter of Credit. If you have any kind of litigation brought by the applicant, against the issuer, which is the bank, or against the beneficiary, based on work that was done, and not agreed with, if you have a bank insolvency, government intervention in the banks operation, etc. He said if these happen we are way at risk, and we have an obligation to finish the project, and with taxpayer's money. He said this is what we were thinking of, to protect the taxpayer, this is not an adversarial thing, we are looking for a solution, and "by the way, we welcome business in this Town".

Mr. Blustein replied that this is not the message this proposed Local Law sends out.

Councilman Canterino said the Letters of Credit have the right of offset, meaning that the bank can pay off any delinquent items that that builder might have. He said he has been working with Letters of Credit for the last thirty six years, and his dealers have lost millions of dollars.

Mr. Blustein pointed out all the things and funds that the Town will be losing out on by passing this law such as ratables, mortgage tax, transfer tax, etc.

Supervisor Bloomfield stated that we have said from the beginning that what is on this piece of paper is not what we are looking for. He said we are looking for something between the Letter of Credit and this proposed local law.

Attorney Caplicki stated that many times Boards, this Board especially, will use proposed Local Laws and Public Hearings to gain information to amend, to propose, and draft the proposed Local Law. In this case it is used as an information vehicle to know the Public's feelings and whatever changes should be implemented or omitted. He said this is a fact finding, knowledge informational seeking meeting. He said many times when these laws are proposed, they are quickly adopted and pushed through, not so with this Board.

Mr. Blustein stated he appreciates the Board's concerns, and he is looking forward to working with them in the future.

Mr. Dorfman made the following comments: He represents a property owner, Excelsior Holding of Orange County. They have an approved subdivision. They have approval by the Planning Board for \$960,000 as the amount of bonding. They were approved for the same amount by the Town Board, and are about to obtain a Letter of Credit. He asked if they would be grandfathered, but now it doesn't matter as they will have their Letter of Credit before this new law can be enforced if passed. He said a Letter of Credit is cash, it is issued by a bank, it is irrevocable. He said now banks are very careful when they issue a Letter of Credit, they have the same concern as this Town Board has. They secure it with a mortgage against the property, generally the

first mortgage is the Letter of Credit. Now they go one step further, if you get a lot released they want a portion of that Letter of Credit, cash back to the bank, until such time the Board reduces the amount of the Letter of Credit.

Mr. Dorman said he also wanted to bring the Board's attention to the fact that "you have an excellent law right now on your books, Section 83-23E of the Goshen Town Code." "It says it gives everybody an option to file a Certified Check cash, or a Letter of Credit to cover the full cost of the required improvements." "It also says any such performance guarantee shall be satisfactory to the Town Board, the Town Engineer and the Town Attorney as to form, sufficiency, manner of execution, and surety. "So on your books today, you have a law that says you have the right to look at this Letter of Credit, and if you are not satisfied, you can say this Letter of Credit has some problems, go back to the bank you might want some more language, and come back to the Board". "There is no reason to change the law."

Jim Sweeney, Attorney speaking on behalf of the owners of Heritage Estates made the following statements: The recent Local Law powers that have been granted to towns that you can mold your own approach, that is not true, the Local Law powers that you have, deals only with affairs and businesses of the Town itself, this is not one of those items. This is an item that is spelled out in Town Law, State Town Law. There are essentially five, not four, manners and methods of posting security. These methods are not up to you, they are up to the developer. One is cash, two is a Letter of Credit, three is a Performance Bond, four is Federal Securities. (Mr. Sweeney did not speak of number five) So whatever you come down on, or are thinking of, you are bound by those four corners, I am not sure that you can go beyond what you have already done. I suggest you look very hard at what is available to you, and it is more a legal question than it is a policy question.

Steven Rieiger of Rieiger Homes: We have a project on Craigville Road before the Planning Board, we are not really here as a group but are here as we have common interests and we are defensive of your Local Law. While you say you do not intend to take action on it, we are defensive because it threatens our businesses. It is not possible for me to capitalize my project twice, once as security and one for the capital to build my houses. Financing is difficult to obtain these days, Letters of Credit are difficult to obtain, and there are many builders and developers who cannot get financing in this market. There are some who can, and those who can tend to be better established, good track records and have better financial wherewithal than those who can't. Most of us could obtain the Letter of Credit, but could not meet that high hurdle of posting cash 100% as collateral.

He continued saying: There is another way to do this for developers, and that is to put your road in before you file your map. That is very risky, the Planning Board, of the Town of Goshen, has resolutions of conditional approval/final approval that are forty/fifty pages long, with lists and lists of conditions and qualifications. It is difficult to put hundreds of thousands of dollars, or millions of dollars into the ground without being sure you have complied with, and satisfied the Board on every one of those conditions. Letters of Credit are used as Security for transactions around the world, and they should be good enough in Goshen. This law will make Goshen look like it is "anti growth, anti development, and anti jobs, and I don't think that is the vision you want."

Ken Cerillo, resident and taxpayer stated: Mr. Sweeney mentioned that you are bound by the Town Law. Even under most current laws, I think it is pretty evident that the Local Legislation that is being proposed is pre-empted by Town Law 277. That Town Law sets forth that a Performance Bond could properly be used, and I would just like to add to that point, because the Town Law establishes the comprehensive scheme for guaranteeing improvements, and it mentions a Performance Bond being used. "I would like to ask the Town Board has there been a history of bonding companies defaulting?" "I happen to be in the industry of bonding and insurance, and I am not aware of too many situations, especially in Goshen, where bonding companies have defaulted, but maybe I am unaware of that though ."

Supervisor Bloomfield and Councilman Canterino stated they were not aware of any either.

Albert Fini, developer, stated: "I duplicate every thing the attorneys, and the builders have mentioned, just a quick comment on your scenario of what has happened in the past." That can be prevented very easily by a Town Engineer overseeing the unfinished work prior to having that problem. If those two developers were trying to merge those subdivisions, there is some oversight there as to who was to complete that. "So if that is your only hang up here, if that is your only fear of that one scenario, I think that is something that can be protected in the future by your Town Engineer, Attorneys, and ultimately the Town Board, who reduce the bond amount from time to time as builders come in to reduce that., and it should not be something to cause this panic situation, if it is a panic situation."

Rachel Newhouse representing the Builders Association stated: I appreciate the acknowledgement of the Town Board that this is a bad law, and the willingness to listen to the input. "I have to say I am a little disappointed coming tonight, only that I have come to this Town Board before." "Over the last five years, I have submitted a half dozen public comment letters offering the Builder's Association as a resource, offering our three hundred members in the industry, their expertise through out the Hudson Valley." It is a disappointment to this association that we were not reached out to, prior to finding out about this Public Hearing tonight., and in the end, for a law that you would not be able to pass anyway, based on it was struck down by the Town of Carmel.

"Number eight on your agenda talks about the creation of jobs and economic development which is interesting considering this Local Law we are speaking about right now, quite frankly is a jobs killer." Before final approval on these subdivisions, you are going to have a developer submit their certified check to you for 100% of the Performance and Maintenance security as cash, and then have the capital to build the infrastructure. This is the point where they would be hiring their sub contractors to build their subdivisions. Whereas there might seem to be the developer has the capital to pay this, and secure this, they are going to be hiring Goshen workers, and Orange County workers. A lot of the time these are sole proprietors, small businesses, the carpenter, the sheet rocker, or the guy putting the carpet down. Therefore, by passing this Local Law you are stopping that developer from being able to hire these workers.

"I hope that you consider and hope you listen to the testimony tonight that this line of credit is the best alternative I think you have to bonding as security." Please reach out to the Builders Association in the future.

Roger Mumford stated I called Supervisor Bloomfield last week, and told him "On the back of my gravestone they will have to say minus ten years because of my involvement in Goshen, which ties into life insurance." "Most of us have life insurance, and we are relying on this company to take care of our families should we die for any reason." "We do not expect these life insurance companies to place a million dollars or five hundred thousand dollars in our accounts, there is an element of trust in business dealings which relate to whether it is Irrevocable Letters of Credit, or in my case, in over eighty major communities that I have developed, it has been through Performance Bonds."

"The banking environment today for Real Estate or developers is the worst of a life time." "The Builder's Association nationally sends out emails, I must receive three a week." "They are trying to lobby Congress to have the Senate and the House realize one of the reasons why America is not going back to work is because manufacturing has largely left this country." Manufacturing in this country is largely in construction, and if construction jobs are eliminated because builders cannot gain credit makes for a very bad situation. "It is virtually impossible to get financing for speculative real estate." "It is the nature of subdivisions that you put in the streets, you put up a model historically, and you sell houses." "Typically banks would lend, if you are credit worthy, have a good tract record, and depending on your financial statements they might lend you half the money, two thirds of the money for the land". "They might fund as much as eighty, ninety percent of your site construction, those days are gone." Now for many of us, it is our own funds or private investment which is typically more expensive then bank investment.

He said in the case of Heritage Estates, we could easily be talking about three million dollars for the first phase of construction. That money would have to be put up by partners and private interest, the likelihood the bank is going to put that money up is remote, and that is on top of the three million that is already in the land. "So today it has become enormously expensive to develop, and you fellows understand about internal rates of return." "Even for the huge builders, the big, big builders in this country maybe could do this, but probably would not, as their rate or return would be decimated. "I really believe you fellows are sensitive to the economic environment, but I want to make you even more sensitive to how brutally difficult it is today." "The fact that I finished Village Place in this environment was a miracle."

"It has been my experience, Letters of Credit, in this environment, have become extremely difficult to get, so my suggestion is, consistent with the others who have spoken here, is like the other seven or eight hundred plus towns, villages, municipalities in New York and New Jersey, there is a reason why builders are not expected to put up more than 10% cash sureties, and the Performance Bonds with rated companies, and or Letters of Credit are accepted." It is because business can't function any other way. "I doubt that anyone here tonight would be a serious risk, even if there was not bond."

Supervisor Bloomfield said he appreciated the input, "I think all of you are under a lot of financial stress, as we are as a municipality." He said that he has heard what was said tonight and take it very seriously. He asked the Board if anyone of them would like to speak.

Councilman Canterino said we want to have a business friendly environment. Sometime you don't realize the gravity of the situation and thinking of protecting only one area, but everything involves risk. Maybe we did not realize the amount of devastation it could cause, and the minimal amount of risk that there was, so I for one will tell you I'm looking at this thing a little differently.

Some one, not using the microphone, asked that the Board not close the Public Hearing, because the Board could then quickly vote to approve it.

Councilman Lyons replied to him saying " You really don't know us then, you said you lived in Goshen, you seem to be pretty knowledgeable and since you have your law office here you would think you would know something." "It is really irritating to me that you would say something like that we would just close it, and try to sneak something in after the input." "We did not have one person here tonight speak in favor of this, apparently we are wrong, we are off base to some extent." "The only thing we were trying to do was to protect the taxpayers." "We heard you tonight, we are going to review this type of thing, I am looking toward my attorney to see whether it should be kept open or closed, but I would think even from the input that you got it is doubtful, to almost nil, that this Local Law would be passed in this form."

Councilman Newbold stated he agreed with Councilman Lyons. He said he has been here for fourteen years, we look for input, discussion, and then we come back to the public and explain how we came to a conclusion before we pass anything. We have had developers that just walked away, that is why we looked at it, and yes the tax payers had to pay for it.

Supervisor Bloomfield said he has heard tonight that this is not an appropriate law. There was a brief discussion on how to proceed. Councilman Canterino made a Motion to close the Public Hearing. The Motion was seconded by Councilman Newbold. Motion carried.

Councilman Lyons made a Motion to adopt Local Law #1 of 2011, Councilman Newbold seconded the Motion.

Upon Roll Call Vote:

Supervisor Douglas Bloomfield	NAY	Councilman Kenneth Newbold	NAY
Councilman Philip Canterino	NAY	Councilman George Lyons	NAY

Vote: Motion not adopted with a vote of 4 to 0. Councilman Louis Cappella absent

2. REQUEST BY HACIENDA RESTAURANT FOR PERMIT TO HOLD CINCO de MAYO CELEBRATION, THURSDAY, MAY 5, 2011: The request was discussed, has already gone to Police Chief Marsh and their letter of request assures the Board that they will have extra security and are working with our police department to make it a safe celebration. Therefore, it has Board approval

3. REQUEST BY TOWN JUSTICE DEPARTMENT TO INSTALL AN ATM IN ORDER TO FACILITATE COLLECTION OF FINES: Supervisor Bloomfield explained the court was audited by the Comptroller's Office and one of the problems was the court is using credit cards to collect fines. This form of collection is ok, however there are such times as Friday, where the money is not deposited until Tuesday, which makes it difficult to reconcile the balances.

The liability of having the machine, was discussed by the Board, and the fact that it would be bolted to the wall. Councilman Canterino stated that some ATM machines have been ripped out of the walls and stolen. He felt that an ATM could cause people to break in the building. Supervisor Bloomfield will take the Board's concerns back to the Justice Department, and inform them that the Board would like to know more about the liabilities involved.

4. ACCEPT RESIGNATION OF COURT OFFICER LUIS REYES EFFECTIVE MARCH 29, 2011: Supervisor Bloomfield explained Officer Reyes was leaving us to assume a full time federal position. Councilman Newbold made a Motion to accept the resignation of Court Officer Luis Reyes effective March 29, 2011. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

5. APPOINT JAMES BOURNE AS GOSHEN TOWN COURT OFFICER EFFECTIVE APRIL 1, 2011 AT \$13.80 PER HOUR: Supervisor Bloomfield explained that James Bourne is currently a Court Officer in the Village, working with Justice Cione. Councilman Newbold made a Motion to hire James Bourne as Goshen Town Court Officer effective April 1, 2011 at \$13.80 and hour. The Motion was seconded by Councilman Canterino. Motion carried with a vote of 4 to 0.

6. REQEUST BY BUILDING INSPECTOR TO ATTEND LAND USE LEADERSHIP TRAINING PROVIDED BY PACE UNIVERSITY SCHOOL OF LAW: Supervisor Bloomfield explained the Building Inspector's request for a Land Use Leadership Alliance Training Program given by the Land Use Law Center of Pace University School of Law. It is a four day program scheduled for four Fridays, April 1, 15, 29 and May 6, and will be held in Matamoras, Pa. There is no fee nor cost for training other that the time and getting to the meeting site, approximately 23.88 miles one way. The program will be from 9:00 a.m. to 4:00 p.m. each day.

Councilman Canterino made a Motion to allow the Building Inspector, Neal Halloran, to attend the Land Use Leadership Training provided by Pace University School of Law. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0. Councilman Newbold wondered if it would be a good for the Highway Superintendent to attend also. The Supervisor will speak to him to see if he would be interested.

7. RESOLUTION: SETTLING OF TAX CERTIORARI CLAIM; FRIENDLY ICE CREAM CORPORATION V THE TOWN BOARD OF ASSESSORS AND/OR THE ASSESSOR OF THE TOWN OF GOSHEN AND BOARD OF ASSESSMENT: Supervisor Bloomfield asked Attorney Caplicki to address this Resolution. Attorney Caplicki stated it was addressed at a prior meeting, but unfortunately the attached stipulation was not attached, it is now. He said the effect of this settlement is that three years of pending tax certioraris would be resolved for 2006, 2007, and 2008. He said the bottom line is that the result in a reduction to the petitioner taxpayer as indicated on page 1 under the stipulation of settlement. He explained that the effect of which for all three years, the maximum refund for the Town would be \$446.00; \$6,205.00 for the School; \$2,422.00 for the Village; \$433.00 for the Fire District, and \$1,304.00 for the School. He said this is with the consent and approval of the assessor, the appraisers in his offices, that under the circumstances this is a rational and reasonable settlement.

Councilman Canterino made the Motion to adopt the Resolution, it was seconded by Councilman Lyons.

**TOWN OF GOSHEN
RESOLUTION**

**SETTLING OF TAX CERTIORARI CLAIM; FRIENDLY ICE CREAM CORPORATION V
THE BOARD OF ASSESSORS AND/OR THE ASSESSOR OF THE TOWN OF GOSHEN AND
THE BOARD OF ASSESSMENT**

INTRODUCED BY: Councilman Philip Canterino
SECONDED BY: Councilman George Lyons
Dated: March 21, 2011

At a meeting of the Town Board 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 21st day of March, 2011;

WHEREAS, Friendly Ice Cream Corporation has previously initiated against the Board of Assessors and/or the Assessor of the Town of Goshen and/or the Town of Goshen Tax certiorari proceedings for assessment years 2006 under Index No. 5604-06; 2007 under index No. 5604-06; 2007 under index No. 6302-07;2008 under Index No. 7888-08, and

WHEREAS, it appears from the recommendation of the Town Assessor, the Town’s Appraiser, and Dennis P. Caplicki, Esq., Counsel for the Town of Goshen in the aforesaid proceeding, upon a thorough investigation of the claims that further proceedings and litigation with the Town would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the above matter as more fully set forth In the annexed proposed Consent Judgments/Stipulation of Settlement is reasonable and in the best interest of the Town, and

WHEREAS, petitioner, Friendly Ice Cream Corporation, is willing to settle these proceedings without interest, cost or disbursement, in the manner as set forth in the annexed Consent Judgment/Stipulation of Settlement

NOW, THEREFORE, BE IT RESOLVED, that the proposed settlement as set forth and described above is hereby accepted pursuant to Section 68 of the Town Law and it is further;

RESOLVED, that JoAnn Soules, Assessor of the Town of Goshen, and Dennis P. Caplicki Esq., be and they hereby are designated as the Officers of the Town who shall apply before such approval pursuant to the aforesaid section and law and be it further, as designated officers of the Town of Goshen are authorized to execute any and all documents necessary to effectuate this resolution.

Upon Roll Call Vote:

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

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

8. PROPOSE JOINT MEETING BETWEEN TOWN AND VILLAGE BOARDS (TOWN BOARD, VILLAGE BOARD, ENVIRONMENTAL REVIEW BOARD, PLANNING BOARD, ZONING BOARD OF APPEALS AND STATE & FEDERAL LEADERS TO WORK WITH OUR NEWLY DEVELOPING EFFORT TO INCREASE ECONOMIC GROWTH/JOBS IN GOSHEN:

Supervisor Bloomfield reported he had a meeting some time ago with Philip Dropkin. He said they discussed developing economic increase, and Phil volunteered to pull together a group of people, professional and other wise, that he could work with, that

would bring in business interests that would bring jobs into the Town of Goshen. The Supervisor said he also shared with him that I would like to bring in a supermarket. He said he got back to Mr. Dropkin to tell him he and the Board thought his willingness to take the lead in this was a great idea. The Supervisor said he talked to him again on Friday and Mr. Dropkin said he would like to work with a Mr. Mike Oaks, of the Hudson Valley Economic Development Corporation, and Maureen Hallahan, head of the Orange County Partnership, and Johnathan Drapkin, who is in charge of Pattern for Progress. Supervisor Bloomfield said they are all eager to work with us. Mr. Dropkin said he would rather think of representing not just the Town of Goshen, but rather the community of Goshen. He would like to work with the land use boards of the Village, the Village Board, all the land use boards of the Town, and the Town Board.

The Supervisor said he is very excited about this, and would like the Board's approval to go forth with this and approach the Village, and get started. Councilman Canterino said he thought this was a dynamite idea, and would like to pursue it even if the Village does not want to participate. The other Councilmen were also in agreement. Supervisor Bloomfield said they would like to kick this off with a meeting in either April or May on a Saturday morning meeting with all the land use Boards, and the primary Boards for the Village and Town. It would be an opportunity for everyone to meet Mr. Drapkin, Ms. Hallahan, and Mr. Oaks and give them an opportunity to give everyone an over view of what is going on.

Councilman Newbold stated he was in agreement with Mr. Dopkin's comment "that it is best for the Town and the Village" we are one Town, I think it is a great idea to invite everyone, with every one working together, we can move ahead at a much more rapid pace.

9. INQUIRE TO SEE IF THE VILLAGE WOULD AMEND OUR APPLICATION TO THE ENVIRONMENTAL FACILITIES CORPORATION (EFC) FOR SEWER GRANT MONIES AND/OR LOW INTEREST LOANS: Supervisor Bloomfield reported that about nine months ago the Board put together an application that went to the Environmental Facility Corporation (EFC). The application was for five point three million dollars in grant monies, or for the low interest rate loans, if they were zero, to work on our infrastructure, and the sewers. He said it appears that every municipality in the State of New York is having problems with their infrastructure. Supervisor Bloomfield said the Town is abut half way up this list, and not in the range of Grants yet. He said Phil Dropkin is working along with Susan Cleaver to obtain these funds, and he said if we really want to compete, "you need to bring the Village into this as well." Mr. Dopkin stated that if you have two municipalities competing, you will both move up on the list.

Supervisor Bloomfield said he had approached Kyle Roddey, who was the sewer commissioner, and shared all of this with him. The Village at that time did not have an engineering study done, so were unable to participate. We had our studies done, as well as an environmental study done by Susan Cleaver, so were able to put the whole package together. Supervisor Bloomfield said he would like to contact the Village to see if they would like to amend our application to the EFC that we could pursue this application. The Board felt it would be good to pursue this with the Village, as it would benefit them, as well as the Town.

10. DISCUSS REQUEST BY GOSHEN HUMANE SOCIETY FOR LAND TO BUILD AN ADDITION TO THEIR FACILITY: Supervisor Bloomfield explained that the Goshen Humane Society has been wanting to secure some land, a piece of property adjacent to their current facility. He called the Board's attention to the memorandum from the Building Inspector and the map in their files. The memo stated that the Building Inspector reviewed the site plan for the proposed project and the building's addition bid documents for compliance with the Town zoning codes. He said the project complies with the codes of the town as proposed.

The Building Inspector had one concern, and that was the chain link fence pens, while complying with the zoning code, could possibly create noise issues for the neighbors. The noise factor was discussed, and Councilman Lyons felt it would be important to keep the dogs inside at night. Supervisor Bloomfield said the dogs will be kept in at night, and the outside pens would be used for exercise only. The Board would like to

examine the plans and would like to ask a few more questions. It was decided to table it for now, and address it at a later date.

11. VILLAGE/TOWN SEWER DISPUTE ARBITRATION STARTS TOMORROW: Supervisor Bloomfield informed the Board that the Village/Town sewer dispute arbitration starts tomorrow, March 22, 2011.

With no further business Councilman Newbold made a Motion to adjourn the meeting, and go into Executive Session, with no intent to return to

1. Review Proposed Contract With New York Farms, AKA Heritage Estates, For Development Of Water/Sewer Districts
2. Discuss Minolta, Inc. Tax Certiorari
3. Discuss Woodland Estates Tax Certiorari
4. Discuss IWS Transfer Systems of New York, Inc. Tax Certiorari
5. Discuss Orange County Golf Club Tax Certiorari
6. Review Al Turi Litigation
7. 124 Goshen Properties Litigation
8. Scotchtown Holdings vs Town of Goshen Litigation
9. Update Status of Village/town Sewer Dispute Arbitration
10. Cable Television Franchise Agreement.

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

Time: 8:15 p.m.

Valma Eisma, Town Clerk