

TOWN OF GOSHEN
TOWN BOARD WORK SESSION
April 12, 2010
MINUTES

A work session of the Town Board of the Town of Goshen was held on the 12th day of April, 2010 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
	Kenneth Newbold	Councilman
	George Lyons	Councilman

Also Present:	Dennis Caplicki	Attorney for the Town
	Bill Standish	Budget Officer
	Priscilla Gersbeck	Deputy Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:34pm.

1. REVIEW OF ORANGE COUNTY WATER MASTER PLAN

David Church, County Planning Commissioner & Acting Director of the Water Authority, addressed the Board. Every five years he presents an update of proposals to improve County- wide planning which includes water availability to the County. Mr. Church is asking for a representative from the Town to participate in the County's monthly meetings to discuss planning issues. Neal Halloran, Town Building Inspector, will be attending. In the County Water Authority Master Plan, engineers and scientists have looked at ways that interconnections could be established between the 162 Municipal and Community systems. This would serve as back-up in an emergency, to enable municipalities with surplus water, to provide water to neighbors who have shortages and to save energy and gain efficiency. Mr. Church is also asking permission to interview staff/officials in order to get a sense of what the Town of Goshen's water issues are. Mr. Church knows that transportation and traffic issues are important to the Town. He introduced a Consultant from HDR (Henningson, Durham & Richardson, Inc.) who wants to include the Town into a NYS grant, for Shared Municipal Services that the County has received. The grant is directed toward a Mid-County Water Supply analysis. This is where a consortium of municipalities, with the County, is evaluating potential sources of water supply. Interconnecting municipalities' local water systems, particularly in *growth* areas, will support smart growth concepts and eliminate redundancy by sharing. It is basically a feasibility analysis to be completed by June 2011.

2. REVIEW COST VS. BUDGET ANALYSIS;

2009 YEAR – END AUDIT FUND BALANCE RESULTS
 COURT REVENUE – January through February
 SCAR PAYMENTS/MORTGAGE TAX
 P.D. – January through March
 DPW – January through March

Supervisor Bloomfield reviewed the audit fund balance results. (Detailed sheet in Clerk's Office)

	General Fund A	Outside Fund B	Highway Fund DA1	Highway Fund DB1	Hambletonian Water SC	Hambletonian Sewer SD
<u>Surplus (\$)</u>	604,395	10,237	676,746	208,542	86,835	191,985
Appropriated to <u>Curr. Yr. Budget (\$)</u>	275,000	--	400,000	25,000	--	--
Available for <u>Future -2010 (\$)</u>	329,395	10,237	276,746	183,542	86,835	--

	Arcadia Water	Arcadia Sewer	Stonehedge Water	Scotchtown Water
<u>Surplus (\$)</u>	3,550	(145,445)	(4,754)	39,196
Appropriated to <u>Curr. Yr. Budget (\$)</u>	--	--	--	--
Available for <u>Future- 2010 (\$)</u>	3,550	--	(4,754)	39,196

Supervisor Bloomfield summarized the "Year-End Projection" for the Town Police Department (Detailed sheet in Clerk's Office)

	Budget	Actual	Actual Trend	Over(Under) Budget Trend
<u>Payroll (\$)</u>	946,708	68,745	1,026,846	77,138
<u>Expense (\$)</u>	37,250	15,169	60,678	23,428
Total Projected				
<u>Budget Deficit (\$)</u>	986,958	83,914	1,087,524	100,566 [contract renewal not included]

Supervisor Bloomfield summarized the "Year-End Projection" for the Town Highway Department (Detailed sheet in Clerk's Office) He commended Highway for a good job in maintaining cost control.

	Budget	Actual	Actual Trend	Over(Under) Budget Trend
<u>Payroll (\$)</u>	705,140	214,977	608,773	(96,367)
<u>Expense (\$)</u>	453,300	173,854	292,738	(160,562) [salt & sand renewal not included]
Total Projected				
<u>Budget Deficit (\$)</u>	1,158,440	388,831	901,511	(256,929)

Town of Goshen Court Fund Summary of 2010 covered the months of January & February. With this early budget analysis, revenue is currently less than last year of \$27,210.36. The revenue generated from the courts goes into Fund A. Therefore, this will have to be closely watched. (Detailed sheet in Clerk's Office)

Supervisor Bloomfield stated that there were 180 Small Claims (SCARS) submitted for 2009. The total amount to be refunded is \$116,537.51. This resulted from the lower prices, in the housing market, that created a lower assessment of certain properties. This is one of the reasons for the re-evaluation at this time. This will greatly impact our mortgage.

3. REVIEW THE PROPOSED GOSHEN HUMANE SOCIETY CONTRACT AND AUTHORIZE THE SUPERVISOR TO SIGN IT

Councilman Lyons discussed the proposed contract. He had several questions/comments about the contract regarding the Agriculture & Market Laws. Since he is unfamiliar with the Laws he was hesitant to make a decision.

Mrs. Susan Bossley, President of the Goshen Humane Society, gave a general explanation of the Laws that were in question. Her answers to the questions assured the Board Members that the Humane Society was following the Ag. & Market rules/regulations. She explained the procedures used at the Humane Society in treating lost, homeless, abandoned, seized or stray animals. The Board Members will continue to review this contract.

4. REQUEST BY GOSHEN HUMANE SOCIETY TO USE THE DOG WARDEN'S VAN FOR EMERGENCY VETERINARY TRIPS.

In a letter to the Town, Susan Bossley is asking for "limited" use of the Dog Warden's Van. The Humane Society would like to use it for veterinarian runs and possibly for T.A.R.A runs. With some discussion, Supervisor Bloomfield felt that there would be a problem with liability and insurance coverage. Consequently, this request was dismissed.

5. REVIEW SECOND DRAFT OF PROPOSED WATER/SEWER RATE CHANGES EFFECTIVE 5/1/2010. (Detailed sheet in Clerk's Office)

Proposed Rate Increase for Hambletonian Park

Rate Increases Effective 5/1/2010 & Receivable 8/1/2010

Water (165 homes)

Key Items:

- + \$86,835 positive fund balance
- \$80,000 pd to SA to offset neg. fund bal.

Reflects decr. of \$383,000 debt paid

Sewer (166 homes)

Key Items:

- \$113,646.00 accumulated fund bal. deficit
- \$78,338.00 amt. withheld from Village pmts.
- \$191,984.00 12/31/09 fund bal. applied
- +\$80,000 water fund bal. applied
- \$111,984.00 remaining deficit balance

Water

NET AVERAGE DECREASE PER HOUSEHOLD PER QTR: \$(21.05)

NET AVERAGE PERCENTAGE DECREASE: -9.71%

Sewer

NET AVERAGE INCREASE PER HOUSEHOLD PER QTR: \$122.62

NET AVERAGE PERCENTAGE INCREASE: 45.24%

Proposed Rate Increase for Arcadia Hills

Rate Increases Effective 5/1/2010 & Receivable 8/1/2010

Water (263 homes)

Key Items:

+\$3,550 positive fund balance
(increase to build fund bal.)

Sewer (256 homes)

Key Items:

-\$39,012.00 accumulated fund bal. deficit
-\$106,433.00 amt. withheld from Village pmts.
-\$145,445.00 12/31/09 fund bal. deficit

Water

NET AVERAGE INCREASE PER HOUSEHOLD PER QTR: \$15.58

NET AVERAGE PERCENTAGE INCREASE: 12.00%

Sewer

NET AVERAGE INCREASE PER HOUSEHOLD PER QTR: \$12.31

NET AVERAGE PERCENTAGE INCREASE: 3.57%

Proposed Rate Increase for Stonehedge

Rate Increases Effective 5/1/2010 & Receivable 8/1/2010

Water (42 homes)

Key Items:

\$4,754 deficit fund balance
\$12,600 new meters (3 Years)

2009

Two major water leaks = \$30,905
Completed back-up well = \$37,000

2010

Place new well in service
Replace faulty meters as needed

Water

NET AVERAGE DECREASE PER HOUSEHOLD PER QTR: \$(12.46) compared to

NET AVERAGE PERCENTAGE DECREASE: 4.68% \$59.53 in Nov. 2009

Proposed Rate Increase for Scotchtown

Rate Increases Effective 5/1/2010 & Receivable 8/1/2010

Water (45 homes)

Key Items:

\$36,000 Install new tank (2 Years)
(1 year left on new water tank)
+\$39,196 12/31/09 fund balance
-\$27,000 Pmt. Due on tank in 2010
+\$12,196 2010 available fund balance

2009

NYS Grant – by Annie Rabbitt \$5,400
Bought & paid replacement tank \$27,000

2010 or 2011

Install tank and place on line \$48,000

Water

NET AVERAGE INCREASE PER HOUSEHOLD PER QTR: \$11.46

NET AVERAGE PERCENTAGE INCREASE: 4.03%

6. STATUS OF HACIENDA – CINCO DE MAYO PERMIT REQUEST

Supervisor Bloomfield was assured by Police Chief Dennis Marsh that the traffic at this event will be properly taken care of as in the past. It is held on May 5th every year and has an excellent turnout.

7. RESOLUTION TO HIRE JENNIFER HART AS FULL TIME ACCOUNTS PAYABLE CLERK EFFECTIVE APRIL 12, 2010.

Supervisor Bloomfield stated that Ms. Hart will work part time for the Budget Officer in accounts payable and part time for the re-evaluation. Councilman Lyons made the motion to hire Jennifer Hart as a full time accounts payable clerk effective April 12, 2010 at \$16.43 per hour. Councilman Newbold seconded the motion.

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

8. AUTHORIZE THE SUPERVISOR TO PROCURE SERVICES OF A PROFESSIONAL ENGINEER TO EVALUATE THE "STATE OF REPAIR" REGARDING THE TOWN HALL CUPOLA

Terry Reynolds from Cassel Brothers Construction Co. was asked to check the Town Hall cupola. His opinion was that it is in dire need of repair. His estimate to repair the cupola is around \$30,000. Since this repair will be over \$10,000 it will have to go out for bids. An engineer needs to evaluate the cupola's structural condition or to see if it can last another year.

Councilman Lyons made the motion to authorize the Supervisor to procure the professional services of Riddick Associates to evaluate the repair required and to come up with a standard for bids. Councilman Cappella seconded the motion.

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

9. 2011 COMMUNITY DEVELOPMENT BLOCK GRANT DISCUSSION

Supervisor Bloomfield recently attended a meeting on the Community Block Grant. This grant covers three years at a maximum of \$125,000 per year. Currently the Town is receiving \$286,700. Therefore, the town will not be eligible to receive this grant for a couple of more years.

10. AUTHORIZE THE BUDGET OFFICER TO MOVE A FUND AND DA FUND TO PROVIDENT BANK

Bill Standish, Budget Officer, is requesting permission to move the A Fund and DA Fund out of Bank of America to Provident Bank in order to reduce monthly banking charges. The Bank of America no longer provides a bidding service for our Bond Anticipation notes and charges fees. Whereas, the Provident Bank doesn't charge monthly fees and continues to bid on our Bond Anticipation Notes.

Councilman Cappella made the motion to authorize the Budget Officer to move the A Fund and the DA Fund out of Bank of America into Provident Bank. Councilman Lyons seconded the motion.

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

11. EARLY LEARNING CENTER REQUEST FOR TOWN HALL TO BE SECONDARY EVACUATION SITE

Supervisor Bloomfield read from a letter he received on March 22, 2010, from the Director, Sandra Kraich, at the Early Learning Center. ["I am writing on behalf of the Early Learning Center, a Division of Catholic Charities Community Services of Orange County. We are located at 59 St. John Street, Goshen, New York. We are in the process of re-licensing and for the past sixteen years we have listed the Board of Election Building as our emergency evacuation site in case of a catastrophic emergency. Since 2005 we have listed your facility as our secondary location."]

Councilman Lyons made the motion to grant the Early Learning Center permission to use the Town Hall as a secondary evacuation site in case of an emergency evacuation. Councilman Canterino seconded the motion.

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

12. REQUEST FOR WAIVING FEES DUE TO FIRE

The Ruby Group is located at 330 Route 17A. During the March 2010 snow storm, a fire occurred which rendered the building unusable. As a result of this, they will have to apply to the planning board for a site plan for temporary office trailers and a building permit to erect a new building. The request is for permission to waive the fees for the Planning Board and the building permit, which would be approximately \$1,500-\$2,500 total.

Councilman Canterino was concerned because the fees in question are pass-through fees, not a profitable intake. The fees cover the expenses needed to process the application. The applicant pays the fees instead of the taxpayers. With some discussion, this topic will be continued at the next meeting.

13. HIGHWAY REQUEST FOR SEASONAL SUMMER HELP

The Highway Superintendent, Stephen Andryshak, submitted a letter requesting permission to hire two seasonal individuals. He is looking for college student help during the summer as well as with the Spring Clean Up on April 26, which can take up to four weeks. Councilman Cappella will seek more information from Highway and report at the next meeting.

EXECUTIVE SESSION:

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

1. Owens Road Litigation
2. Tax Certiorari Status Update
3. Potential ADC Litigation Status
4. Sewer Dispute With The Village
5. Personnel Reval Candidate

with the intent to return. The motion was seconded by Councilman Lyons. Motion carried.

Time 9:39PM

Supervisor Bloomfield reopened the work session at 10:25pm and reported that Attorney Caplicki recorded the following minutes during the Executive Session.

Town of Goshen Minutes Executive Session April 12, 2010

At an Executive Session of the Town Board of the Town of Goshen, County of Orange, State of New York, held at Town Hall on said Town on the 12th day of April, 2010, the Town Board made decisions and approved the adoption of the following resolutions:

1. Resolution retaining Hacker & Murphy, LLC as special counsel to the Town of Goshen with respect to tax certiorari litigation; Al Turi Landfill, Inc.; resolution annexed; proposed in Executive Session, adopted at reconvened Town Board meeting of April 12, 2010.
2. Resolution authorizing the hiring of Jack Coyle of Coyle Realty Co. as an appraiser/consultant with respect to tax certiorari; Al Turi Landfill, Inc.; resolution annexed; proposed in Executive Session, adopted at reconvened Town Board meeting of April 12, 2010.
3. Resolution to retain Molinas Realty Inc. as an appraiser/consultant with respect to tax certiorari matters; IWS Transfer Systems of NY, Inc., Eastgate Corp., 125 Goshen Partners; resolution annexed; proposed in Executive Session, adopted at reconvened Town Board meeting of April 12, 2010.
4. Resolution approving Stipulation of Settlement; Owens Road Associates v. Town Board, Town of Goshen; resolution approving and authorizing Attorney for the Town, Dennis P. Caplicki, Esq., and Richard B. Golden, Esq., Attorney for the Planning Board, to sign the Stipulation of Settlement with respect to Owens Road Associates v. Town Board of the Town of Goshen, et al litigation; copy annexed; proposed in Executive Session, adopted at reconvened Town Board meeting of April 12, 2010.

The Board proposed the aforementioned resolutions and closed the Executive Session and reconvened the regular Town Board meeting of the Town of Goshen on April 12, 2010 and affirmatively adopted the aforementioned resolutions.

**TOWN OF GOSHEN
RESOLUTION**

Authorization to the Supervisor of the Town of Goshen to Sign a Proposal to Hire the Law Firm of Hacker & Murphy, LLC as Special Counsel to the Town of Goshen with Respect to Tax Certiorari Litigation; Al Turi Landfill, Inc. v. Town of Goshen

INTRODUCED BY: Councilman Lyons

SECONDED BY: Councilman Cappella

DATED: April 12, 2010

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 12th day of April, 2010;

WHEREAS, Al Turi Landfill, Inc. has initiated and is processing a tax certiorari proceeding against the Town of Goshen with respect to real property owned by Al Turi Landfill, Inc. and located in the Town of Goshen, and

WHEREAS, the Town of Goshen requires the services of trial counsel with respect to the preparation and defense of the subject litigation, and

WHEREAS, Hacker & Murphy, LLC of Latham, New York has submitted a proposal for such litigation services, and

NOW, THEREFORE, BE IT RESOLVED, that said Hacker & Murphy, LLC of Latham, New York be hired/retained as trial counsel with respect to the preparation and defense of the litigation Al Turi Landfill, Inc. v. Town of Goshen at hourly rates for particular attorneys as indicated on Schedule A annexed and upon such other terms as to be agreed upon between the Town Board and by the Law Firm of Hacker & Murphy.

Upon Roll Call Vote:

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

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

Schedule A Hacker & Murphy, LLC

Attorney David R. Murphy	\$285/hour
Attorney Patrick L. Seely, Jr.	\$275/hour
Attorney Kathy L. Brobny	\$265/hour

**TOWN OF GOSHEN
RESOLUTION**

**Retaining Jack Coyle of Coyle Realty Co. as an Appraiser/Consultant with Respect to
Tax Certiorari; AI Turi Landfill, Inc. v. Town of Goshen**

INTRODUCED BY: Councilman Canterino

SECONDED BY: Councilman Lyons

DATED: April 12, 2010

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 12th day of April, 2010;

WHEREAS, AI Turi Landfill, Inc. has initiated and is processing a tax certiorari proceeding against the Town of Goshen with respect to real property owned by AI Turi Landfill, Inc. and located in the Town of Goshen, and

WHEREAS, the Town of Goshen will require the services of an expert appraiser with respect to the preparation and defense of the subject litigation, and

WHEREAS, Jack Coyle of Coyle Realty Co. of Philadelphia, Pennsylvania has agreed to provide such appraisal services, and

NOW, THEREFORE BE IT RESOLVED, that said Jack Coyle of Coyle Realty Co. of Philadelphia, Pennsylvania be hired/retained as an appraiser to prepare a desk and field review of the real property which is the subject of the aforementioned tax certiorari proceeding and upon such terms as to be agreed upon between the Town Board and Mr. Coyle.

Upon Roll Call Vote:

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

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

**TOWN OF GOSHEN
RESOLUTION**

**Retaining Molinas Realty Inc. as an Appraiser/Consultant with Respect to Certain
Tax Certiorari; Petitioners v. Town of Goshen**

INTRODUCED BY: Councilman Cappella

SECONDED BY: Councilman Lyons

DATED: April 12, 2010

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 12th day of April, 2010;

WHEREAS, numerous tax certiorari have been filed against the Town of Goshen, including but not limited to, Eastgate Corp., IWS Transfer Systems Inc., of NY and 124 Goshen Partners, and

WHEREAS, the Town of Goshen will require the services of an expert appraiser/consultant with respect to the preparation and defense of the subject litigation, and

WHEREAS, Molinas Realty Inc. has agreed to provide such appraisal/consulting services, and

NOW, THEREFORE BE IT RESOLVED, that said Molinas Realty Inc. of Sugar Loaf, New York be hired/retained as an appraiser/consultant to prepare desk and field review as necessary of the real property which is the subject of the aforementioned tax certiorari proceedings; the initial appraisal/consultant's work not to exceed \$800 per tax certiorari matter.

Upon Roll Call Vote:

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

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

**TOWN OF GOSHEN
RESOLUTION**

**Authorization to Dennis P. Caplicki, Esq. as Attorney for the Town of Goshen
and to Richard B. Golden, Esq. as Attorney for the Planning Board, Town of Goshen
to Sign the Proposed Stipulation of Settlement with Respect to
Owens Road Associates v. Town Board, Town of Goshen, et al Litigation**

INTRODUCED BY: Councilman Cappella

SECONDED BY: Councilman Canterino

DATED: April 12, 2010

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 12th day of April, 2010;

WHEREAS, Owens Road Associates, LLC initiated litigation against the Town of Goshen (Index No. 6501/2009, 6503/2009), and

WHEREAS, lengthy discussions and settlement conferences have been held between the parties resulting in a proposed Stipulation of Settlement – Exhibit A annexed, and

WHEREAS, the Town Board of the Town of Goshen wishes to authorize the Attorney for the Town of Goshen and the Attorney for the Planning Board of the Town of Goshen to sign on behalf of the Town said Stipulation of Settlement, and

NOW, THEREFORE BE IT RESOLVED, that Dennis P. Caplicki, Esq. as Attorney for the Town of Goshen and Richard B. Golden, Esq. as Attorney for the Planning Board of the Town of Goshen be authorized to sign on behalf of the Town of Goshen the annexed Stipulation of Settlement with respect to the aforementioned litigation.

Upon Roll Call Vote:

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

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

Councilman Newbold made the motion to adjourn the work session. Motion seconded by Councilman Cappella. Motion Carried.

Time 11:15PM

Priscilla Gersbeck, Deputy Town Clerk

