

Councilman Lyons motioned to close the public hearing for the Community Block Grant.
Councilman Newbold seconded the motion.

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

1. DISCUSS REQUIREMENTS TO COMPLETE THE PROPERTY RE-EVALUATION PLAN

Jo Ann Soules, Assessor, presented a packet of job descriptions for a requested part-time clerk and a part-time real property data collector. The resignation of the part-time data collector has left the office with unfinished data collecting. Ms. Soules met with John McCarey (Director Real Property Tax Service) for assistance in completing the re-evaluation. Mr. McCarey suggested to hire two data collectors and his agency will match with two data collectors. He suggested to “take a step back” and recheck *all* of the properties for accuracy. Ms. Soules contacted her consultant, Mr. Hilbert as to his opinion. He felt that there is no need to recheck *all* of the properties. When the re-valuation begins in July, any unfinished business will be picked up during that time. Ms. Soules request is for one part-time clerk. Also one or two part-time data collectors: one, to complete about 200 unfinished property cards and to assist another data collector in the revaluation. Currently, Lisa Chutka is checking the photographs John Terry took for accuracy and clarity. The completion date is May 1, 2012 before the tentative roll. Supervisor Bloomfield will discuss with Mr. McCarey his selection of available experienced data collectors. Ms. Soules requested to have input in the hiring of a data collector.

2. DISCUSS REQUEST BY DAVID NAFTALI EJDELMAN, YIDDISH FARM PRESIDENT, TO CONDUCT A SUMMER AGRICULTURAL FESTIVAL, JULY 14-17, AT 71 DZIERZEK LANE. TWO HUNDRED PEOPLE WILL CAMP AT THE SITE AND AN ADDITIONAL ONE HUNDRED WILL BE DAY VISITORS.

Mr. David Ejdelman addressed the Board to explain his request to hold a Jewish agricultural festival. He is president of an organization called Yiddish Farm, which provides organically grown food. This is to be a “hands-on” educational farm for Yiddish students. This summer he wishes to hold an agricultural festival celebrating Jewish culture.

Supervisor Bloomfield presented the question of this festival being held on an active farm rented to a farmer for crops. Mr. Ejdelman assured him that he has a “letter of understanding” with the farmer, Mr. Slesinski and the property owner, Mr. Jochnowitz allowing him to use the property. The festival is slated for July 14 thru July 17. There will be music until 11:00pm, cooking, lectures and language workshops and people camping on the property. Advanced ticket sales are capped at 200 pre-registered people. On the last day, Sunday, there will be an additional capped 100 pre-registered people. Participants will be sleeping in tents, either brought in or rented by the promoter. People will bring their own food. Also, plans are in the making to “partner” with a local Country Store for ice and coolers. All cooking will take place in a designated roped-off area.

Mr. Ejdelman is planning on contacting the Fire Dept. for permission to have a bon-fire. The insurance broker for the festival is “William & Sons” who is in the process of creating a policy for Town acceptance. Mr. Ejdelman has contacted the Town Police Department. It was discussed that private security can be employed with a liaison to the Town Police Dept. and/or hospital and Fire Dept. who will be stationed 24 hours a day. Regarding hygiene, A+ Mechanical will supply 20

portable toilets, 6 portable showers, 4 washing stations and a water truck. The portable toilets will be changed daily.

Discussion: This location is zoned agricultural and not zoned for this type of an event. It is believed that the applicant will have to obtain a Special Use Permit. For this, a detailed site plan/map will be requested. Moreover, the Town is accountable to the residents in that area and for the health and safety of the residents in the Town. Therefore, there may be other items requested for this application.

Supervisor Bloomfield inquired as to how the food will be handled on the Sabbath?

Mr. Ejdelman stated that people will be bringing in their own food. Raw ingredients such as rice, beans and vegetables will be supplied. People will be cooking before the Sabbath and the food will be kept in coolers. There is an understanding that trash management during and after the event will be handled by the applicant.

Supervisor Bloomfield had other concerns pertaining to: tents, locations of various stations, rules of conduct (noise level) evacuation routes, open fires, refrigeration, food storage, sound systems, dust from the dirt road, and crop damage to the leased fields, electricity generation and lighting.

Reply: Two lighting towers and a generator are on order from A+ Mechanical. Individual electricity will not be provided, but electricity will be available for the instruments and lighting.

Reply: Part of the letter of understanding is that Mr. Slesinski will be finished mowing the fields by the time the event is to begin providing the weather is compliant to do so.

Comments from the Board:

Councilman Canterino questioned the liability, being that this event will be held in an open field. He is also very concerned about the health of the participants and with what can unexpectedly occur. People with individual health issues may need special attention as they are camping in a field for several days. What if it rains a lot? He also wants to be sure that there is plenty of access for emergency vehicles. An emergency plan would be beneficial for both the Town and to the applicant. He asked if the Orange County Board of Health has been contacted regarding food distribution.

Reply: The camping site is between two wooded areas, which will provide some shade. Tents will be ordered from Orange County Party Rentals. Also, a tent has been ordered large enough to house 200 people.

Reply: People with medical training will be hired to be on site. Certified people from the Wilderness First Responder will also be present.

Reply: Mr. Ejdelman is looking to the insurance company requirements for emergency needs (risk assessment) such as a station with someone who is a liaison between emergency services such as a Mobil Life unit.

Reply: Mr. Ejdelman will look into the County Board of Health requirements for food on the premises.

How will this affect the exemption with the agriculture zoning? Since this is an agricultural festival, our Attorney will look into it.

Mr. Ejdelman stated that this group has not, and will not, receive a not-for-profit status for this event. An application is in the process.

Councilman Newbold questioned electrical usage. His concern was with the amount of gasoline and storage used to power generators.

Supervisor Bloomfield assured him just because a lot of questions/concerns are being asked doesn't mean that we don't want to approve the festival, we are just trying to work our way through this for the safety and health of the participants and the community. "It's a big responsibility". He was advised to think about all of the things that can possibly go wrong (bee sting, snake bite, allergies, cuts, burns etc.) and if they happen, to be prepared.

The Clerk's office will guide Mr. Ejdelman through a list of things to accomplish in preparation for the application. Such a list, indicates recording his address, a signed Hold Harmless Agreement (which will be emailed to him tomorrow) also insurance coverage for the Town, Letter-Of Understanding, Copy of approval from the Goshen Fire District, trash management plan, notification to the neighbors, etc.

Procedurally a public meeting will be held on May 23 to discuss the Local Law on Public Assemblies. Following the acceptance of this law, an application will be made available. Once the Local Law is adopted it will provide the applicant with the guidelines to follow.

3. DISCUSS AND APPROVE REQUEST BY B.C. STAUDT TO USE PUMPKIN SWAMP ROAD FOR A FILMING PROJECT

A small film company for A & E network is requesting the use of Pumpkin Swamp Road (Route 25) in filming a lonely, empty road either at dawn or sunset. This request was submitted too late to be approved in time for the filming date. The insurance coverage submitted is incorrect and questionable for proper coverage. There was no letter from the Police Dept. confirming coverage for traffic control. Plus Route 25 is a County Road and the County will have to be notified. The Clerk's office will phone this applicant notifying her of the issues.

4. DISCUSS AND APPROVE REQUEST BY THE BUDGET OFFICER TO OPEN A NON-INTEREST BEARING CHECKING ACCOUNT FOR FUNDS TO BE RECEIVED FROM THE DEA

Supervisor Bloomfield explained that recently the Town Police Department was involved with confiscating a car during a drug bust. Afterwards, the car was sold and some of that money will be released to the Town to be used for drug enforcement programs. Hence, this money has to go into a separate non-interest bearing checking account. The Budget Officer has prepared to set up such an account pending approval from the Town Board.

Councilman Lyons made the motion to authorize the Supervisor and the Budget Officer to open a non-interest bearing checking account to receive funds from the DEA. Councilman Cappella seconded the motion.

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

5. **DISCUSS AND APPROVE A RESOLUTION TO AMEND THE ADC ORANGE, INC. ARTICLE 78 STIPULATIONS WITH THE TOWN OF GOSHEN FOR A PERIOD OF ONE YEAR BEGINNING, JUNE 11, 2011**

Attorney Caplicki explained that ADC Orange Inc. is also known as Maplewood, located off Craigville Road. They have an application before the Planning Board. According to a prior stipulation they were to obtain approval for their project from the Planning Bd.on/or before June 11, 2011. The following Resolution is an amended stipulation extending the time period for one more year to June 11, 2012.

**TOWN OF GOSHEN
RESOLUTION**

**Authorizing Supervisor to Sign Second Amended Stipulation;
ADC Orange Inc. v. Town of Goshen**

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman George Lyons

DATED: May 9, 2011

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 9th day of May, 2011;

WHEREAS, previously ADC Orange Inc. initiated litigation against the Town of Goshen in connection with the development of its real property located on Craigville Road, Goshen, New York; and

WHEREAS, said litigation was settled by Stipulation of Settlement in two (2) separate legal actions executed by the parties and So Ordered by Judge Robert A. Onofry on June 11, 2010; and

WHEREAS, a further Amended Stipulation was executed by the parties and So Ordered on September 8, 2010 by Judge Robert A. Onofry; and

WHEREAS, the parties are desirous of further amending the aforesaid Stipulation so as to extend the time within which ADC Orange Inc. has the right to terminate the conditional settlement and/or discontinue and re-initiate the subject litigation(s).

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Goshen does hereby agree that the one-year time periods set forth in the pertinent Stipulations of Settlement providing the right to terminate the conditional settlement and discontinuance at the election of ADC Orange Inc. are amended and extended for a one-year period commencing June 11, 2011 and that the Supervisor of the Town of Goshen is authorized to sign any and all documents in order to effectuate the terms of this Resolution.

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.

6. DISCUSS THE CURRENT STATUS OF THE NEW STONEHEDGE BACK-UP WELL

Tests show that the Stone Hedge backup well has bacterial contamination. There are several options to remedy the situation: chlorinate the well before usage, dig another well and a few other options which Dennis Lindsay will supply. When this information becomes available the Board Members will address the issue.

7. DISCUSS AND APPROVE RESOLUTION TO APPEAL THE DECISION RENDERED BY JUDGE RITTER REGARDING THE AL TURI LANDFILL, INC. TAX CERTIORARI

Attorney Caplicki explained that the Town wishes the appeal to be perfected and to move forward and to have it prosecuted by our special counsel, Hacker Murphy LLP. who also handled the trial work. This Resolution is to approve Record on Appeal \$15,000 and Attorney Fees \$30,000 totaling \$45,000 to proceed with the appeal of Judge Ritter's decision and to retain Hacker Murphy LLP. There are a number of substantial issues in this appeal.

**TOWN OF GOSHEN
RESOLUTION**

Authorizing Appeal; Al Turi Landfill Inc. v. Town of Goshen

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman Louis Cappella

DATED: May 9, 2011

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 9th day of May, 2011;

WHEREAS, the Town of Goshen previously authorized a filing of a Notice to Appeal with the Appellate Division, 2d Department with respect to litigation; Al Turi Landfill Inc. v. Town of Goshen, Assessor or Board of Assessors of the Town of Goshen, Board of Assessment Review of the Town of Goshen; Index Nos. 4564/2000, et seq. 2000-2009 related proceedings; and

WHEREAS, it is necessary that the Town of Goshen at this time perfect said Appeal and in order to pursue the pertinent Appeal to the Appellate Division, 2d Department, State of New York, it is necessary to authorize Hacker Murphy, LLP, Attorneys at Law, to prosecute said Appeal; and

WHEREAS, Hacker Murphy, LLP have submitted a proposal of costs with respect to said Appeal; Exhibit A annexed hereto.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Goshen does hereby retain the services of Hacker Murphy, LLP to pursue an Appeal to the Appellate Division, 2d Department, State of New York, in connection with the Al Turi Landfill Inc. v. Town of Goshen litigation; the costs of which are as set forth in Exhibit A annexed and that the Supervisor of the Town of Goshen is authorized on behalf of the Town to execute any and all documents and materials necessary to effectuate the purpose(s) of this Resolution..

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.

8. THE TOWN BOARD IS INVITED TO ATTEND THE GOSHEN MEMORIAL DAY PARADE AT 11:00 A.M. ON MONDAY, MAY 30, 2011. WHO WILL BE ATTENDING?

Supervisor Bloomfield received a letter from the VFW who is coordinating this event. The line up for the parade will be located on Erie Street between 10:00am and 10:30am with the parade starting at 11:00am. Three Board Members will definitely be attending and two Members are undecided for they might be out of Town.

EXECUTIVE SESSION:

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

1. Review Current Status Of Village/Town Sewer Dispute Arbitration
2. Discuss Potential Sewer Rate Changes For Hambletonian Park And Arcadia Hills Sewer Districts
3. Discuss New Sewer IMA Proposal And Future IMA Negotiations
4. Discuss Proposed Tax Certiorari Settlements For The Following Properties:
 - Newport one
 - Minolta, Inc.
 - Benchmark, Inc.
 - GAM Properties
 - Presbyterian Church
 - Jewish Lubavitch

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

Time: 9:00PM

Priscilla Gersbeck, Deputy Town Clerk