

TOWN OF GOSHEN
TOWN BOARD WORK SESSION
June 20, 2011
MINUTES

A work session of the Town Board of the Town of Goshen was held on the 20th day of June, 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
	Louis Cappella	Councilman
	George Lyons	Councilman
	Kenneth Newbold	Councilman

Also Present:	Dennis Caplicki	Attorney for the Town
	Priscilla Gersbeck	Deputy Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:33pm, followed by the Pledge of Allegiance.

Addition to the agenda: #3 Humane Society building permit request.

1. FOLLOW UP DISCUSSION ON NYS DOT REQUEST FOR RELEASE OF PREFERENTIAL ACQUISITION RIGHTS

Representing M/M Orange, Attorney Alan Lipman addressed the Board Members presenting documents/maps pertaining to his client's request for a waiver of acquisition rights. The current owner is looking to refinance (SBL13-1-70) and is unable to do so unless the Town of Goshen grants a release of the State's preferential rights of acquisition. His client also owns section 5.11 left of the railroad right-of-way which is within the Town and 1.32 right of the railroad right-of-way within the Village.

Attorney Lipman carefully detailed the history, location and description of the properties adjacent to 13-1-70. The Town Board has previously showed interest to purchase this parcel to benefit the Town. Attorney Lipman informed the Board that as a part of the State Transportation Law there is a statute in the highway section that recites the description of this property which can only be used for *transportation purposes* such as a future highway or road. His client is aware of the limited use and has plans for a right-of-way to prevent his other parcel from being land-locked.

Supervisor Bloomfield called for comments from the Board Members. His opinion is that he doesn't see a potential use for this property in the immediate future.

Councilman Lyons feels that there is the possibility, in the future, to choose between a road or for the installation of water/sewer lines to connecting parcels or for a trail. He would like to reserve the right for future use.

Councilman Newbold agreed with Councilman Lyons. He would like to have our Attorney review the Transportation Law about reserving future rights.

Councilman Canterino questioned the pros and cons of purchasing the piece or obtaining an easement to it. Determining the value of the piece needs further investigation.

Councilman Cappella is cautious, warning the Board that there may be consequences for the past mistakes when titles were transferred.

Attorney Lipman reviewed options before the Town. One is to negotiate with the owner. The Board was satisfied with the information provided. The general consent of the Board was to explore the possibility of obtaining an easement for future planning.

2. REVALUATION STATUS: JOANN SOULES

Assessor, JoAnn Soules, gave a brief update on the status of her revaluation. She explained that 1,000 photos were missing from the previous data collector's files, justifying the need for the new data collector to switch from verifying data mailers to photographing the sales. The photos must be entered into the system by the end of July.

Robert Hilbert spent an entire day assisting Ms. Soules download the land valuation tables.

The County has given her office one appraiser/data collector who is assigned to verifying the data mailers. This employee is also working on the revaluation process.

Ms. Soules, is requesting that the Board approve, Dara Dugan, as a part-time clerk in her office. She had around twelve applicants. Most of them were over qualified. By definition, this position is basic clerical to assist with the revaluation process. Councilman Newbold questioned the qualifications of Ms. Dugan. This will be discussed at the next meeting.

The Council questioned Ms. Soules about the missing 1,000 photographs. Councilman Cappella wanted to know why the photographs were not entered into the computer system on a daily/weekly basis? If this was done correctly, photographs would not have been "lost". In the future, this process should be monitored for accuracy. The photos were to be taken, identified and the County volunteered to download them into RPS software system. Obviously, the "lost" photos were either not taken or unidentifiable by the standards of the County. Ms. Soules assured the Board Members that "we are on the right track now".

Ms Soules noted an error in the approval of hourly payment of her Data Collector, David Levitus. The rate of pay agreed at hiring should have been \$18.00 per hour, not \$17.00 per hour. The County of Orange is also paying their part time data collectors the going rate of \$18.00 per hour.

Councilman Newbold made the motion to correct the rate of pay for David Levitus from \$17.00 per hour to \$18.00 per hour retro-active to his start date on the hours that he has worked. Councilman Cappella seconded the motion.

Discussion: Has he already been checked out? Response Yes.

This is with no benefits, is that correct? Response Yes.

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

3. HUMANE SOCIETY ADDITION UPDATE

Attorney Geoff Chanin, representing the Humane Society, addressed the Board regarding plans to build an extension onto the shelter building. The request is to build an addition of 28 X 30 feet, which is an additional 840 sq. feet. This will provide 5 additional dog runs on each side. The Town owns the land on which the current shelter is on. The Humane Society needs a permit from the Building Inspector after the Town grants permission. Currently the Humane Society leases the land from the Town for \$1.00 per year, which has existed since July 11, 2002. The terms for the addition would be exactly the same as the current lease.

Attorney Chanin read into the record the terms of the lease:

"The Goshen Humane Society (GHS) promises to operate the facility in compliance with all the terms and requirements of the Agriculture and Markets Law. That the Society keeps the premises free and clear of all leans and encumbrances. That before anything is done in anyway to the building or the surrounding property the Society has to get the Town's prior approval, The Humane Society provides for all maintenance and repair of the shelter. The Humane Society pays all the charges in connection with provision of utilities and services and so forth. The Humane Society provides insurance to the Town for not only damage to the building but also liability insurance at the sole expense of the Humane Society. The Society will/is already under contract to indemnify, defend and hold harmless the Town from any/all claims, actions and damages and all that other stuff that lawyers throw in there. The Humane Society (and I will go back to the use of that word that I said that the Humane Society owns the building and leases the land) according to the ground lease, the Town can terminate the lease at anytime and that you (Town) own the building as well as the land. That word own is kind of stretched a little bit. The Humane Society cannot assign a mortgage, sublet or do anything else to the property without your (Town) approval. So basically, those are the terms that would apply to this additional bit of land."

The State regularly inspects the GHS shelter as well as every other shelter. The reports are public information. He also advised the Board of the Humane Society to bid the project, even though it's their money from a substantial inheritance. The GHS would like to start building during ideal weather conditions.

The \$1.00 per year lease will also cover the additional land of the addition. A resolution addressing the amendment to the current lease will be presented at Thursday night's meeting.

4. REQUEST FOR POLICE SERVICES AT THE GREAT AMERICAN WEEKEND

Councilman Canterino reported that during the Great American Weekend one of the planned events is a 5K/10K race. The Town Police Department received a call to assist in this event by supplying two Police Officers for crossing guards at two intersections. To determine the cost, the Town has to consider holiday pay to each officer who may/may not be on duty for a minimum of 4 hours. Perhaps volunteer fire police or someone else can do this to save money. However if there is an *absolute* need for a police officer then the Board will decide. Councilman Canterino spoke to the Police Chief about fees. It was estimated to be around \$500.00. Discussion: Councilman Cappella suggested that the Officers who are duty, during that time, can participate and could be pulled away for an emergency. However, the Chamber of Commerce is requesting two extra police officers only for this event.

Councilman Newbold mentioned that this race begins early in the morning and is usually over within 1 ½ hours.

Supervisor Bloomfield noted that the Town has assisted in this event, as with others, in the past. He agrees with utilizing the Officers who are on regular duty. Adding on two additional Officers would be a charge. Councilman Canterino will contact the Chamber of Commerce tomorrow.

5. CONTINUE PUBLIC HEARING OF LOCAL LAW #1 of 2011 “PUBLIC ASSEMBLIES AND ENTERTAINMENT”

Councilman Newbold made the motion to reconvene the Public Hearing on Local Law #1.
Councilman Lyons seconded the motion.

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

Supervisor Bloomfield inquired if anyone has responded to the Local Law? Answer: No one has come into the Clerk’s office pertaining to this Local Law.

Supervisor Bloomfield called for comments.

Councilman Cappella inquired to the fees for different types of public assemblies/special events. What is the processing fee for those who are profiting from the event? Response: Vendors are considered as sub-contractors who should be licensed. If not, they are to apply for a vendors/peddler’s license. The applicant is profiting from their presence. It is the *responsibility* of the applicant to assure the Town that the vendors in this event are licensed. Perhaps this can be added to the Local Law or to the application.

Councilman Canterino stated that this Law is generic. Meaning that whether the event is for profit or not-for-profit is not part of the process. The applicant has to comply with the Law, no matter what type of event is presented. He suggested getting the Law into place. Modifications can be made at a later date.

The Deputy Clerk inquired if any of the previous suggestions or additions will be considered?

Response: Not at this time. The Town will get the Law in place and amend it as needed.

Attorney Caplicki will review Local Law #1 before the next meeting.

Councilman Lyons made the motion to continue the Public Hearing for Local Law #1 of 2011.
Councilman Canterino seconded the motion.

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

6. INFORMATION: ORANGE COUNTY PRESCRIPTION DRUG PROGRAM ANNOUNCED 6/14/2011.

Supervisor Bloomfield read from a News release from Orange County Executive, Edward Diana. The letter is on file in the Town Clerk’s office for review. Basically, it states that; “Beginning this week (June 15th), ProAct will mail prescription discounts cards to every household in Orange County to ensure that any resident in need of prescription drug financial relief may benefit from this discount program. The discount card covers all prescription medications, brand or generic. The card cannot be used in conjunction with any other type of insurance or discount co-pays. Residents who currently have insurance can use the card in the event that a particular drug is not covered under their current insurance plan.”

One card can be used for the entire family. ProAct is accepted at most Orange County pharmacies and can be used nationwide at any of the more than 55,000 participating pharmacies. This is a pharmaceutical based program. Participants can expect to save an average of 10 to 20 % on brand drugs and 20 to 20% on generics. Cards are available in the Clerk’s office.

Councilman Cappella would like to see this topic repeated at the next meeting. The press which can inform the public of this opportunity, will be in attendance then.

7. DISCUSS CANNON HILL ROAD DEDICATION

Attorney Caplicki inquired about the condition of the first section of Cannon Hill Road, which is under scrutiny at this time. With businesses operating along it, the first section needs attention. Meanwhile, New Jersey Truck & Trailer completed the adjoining back section of the road and is requesting the dedication.

The Highway Superintendent is questioning why the Town would consider taking over this road in its' present condition. He has submitted photos from a recent inspection showing several deficiencies. The Attorney for New Jersey Truck & Trailer is seeking an immediate decision, as this is the third request for the road dedication. Councilman Canterino was surprised that this undedicated road has no road bond attached to it. The businesses have the option to maintain the road without the dedication.

The Town Engineers from Riddick & Associates will accompany Broderick Knoell on a site inspection of the road tomorrow and report their findings at the next meeting.

8. DISCUSS STATUS OF YIDDISH FARM FESTIVAL APPLICATION

Deputy Town Clerk reported that David Ejdelman is currently working on his application. He is applying for a Yiddish Festival on July 14 to July 17. His time is running short and he needs to submit his application ASAP.

9. DISCUSS REQUEST BY GILES HAYSOM TO HOLD AN OUTDOOR MUSIC FESTIVAL AUGUST 20TH AT ANDREW FIELD'S PROPERTY (PROSPECT HILL FARM) ROUTE 17A (STATE ROAD)

Supervisor Bloomfield summarized this request saying that it will be limited to an attendance of about 500 people using online ticketed admission, plus additional staff and musicians estimated not to exceed 50 people. The event is primarily a music festival (local bands). There will be tee-shirt sales, food & beverage vendors, drinking (beer served) and camping provisions for those wishing to stay overnight. Private security will be provided at the entrance gate and stage, as well as additional security to monitor the crowd behavior. The new Local Law, Public Assemblies, will be in effect prior to this festival. Vendor licenses will be required and will be the responsibility of the applicant. An application has been forwarded to the event planner, Giles Haysom of Warwick, NY. Meanwhile, Supervisor Bloomfield will investigate a prior similar event held in Warwick by the same applicant.

10. DISCUSS AND APPROVE RESOLUTIONS FOR THE FOLLOWING TAX CERTIORARI SETTLEMENTS: 155 And 157 Orange Properties, Eastgate Properties and Benchmark Properties.

Attorney Caplicki recommended that Eastgate Properties be discussed at the next meeting. He reviewed the settlement for Benchmark Properties for refunds for a three year period to be: \$1,167.00 from the Town of Goshen, \$20,402.00 from the School District, \$7,500.76 from the Village of Goshen, \$1,382.00 from the Fire District and \$3,700.60 from the County of Orange.

**TOWN OF GOSHEN
RESOLUTION**

Settling of Tax Certiorari Claim; Benchmark Goshen Office Associates Limited Partnership v. Assessor for the Town of Goshen, NY, Board of Assessment Review for the Town of Goshen, NY and the Town of Goshen, NY

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman George Lyons

DATED: June 20, 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 20th day of June, 2011;

WHEREAS, Benchmark Goshen Office Associates Limited Partnership has previously initiated against the Assessor for the Town of Goshen, NY, Board of Assessment Review for the Town of Goshen, NY and the Town of Goshen, NY tax certiorari proceedings for assessment years 2009 under Index No. 8163-2009-2010 and 2010 under Index No. 7251-2010; 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 Judgment/Stipulation of Settlement is reasonable and in the best interest of the Town, and

WHEREAS, petitioner, Benchmark Goshen Office Associates Limited Partnership, 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 authorized to sign or execute any and all documents necessary to effectuate 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.

Attorney Caplicki reviewed 155 And 157 Orange Properties. The approved settlement refunds are as; \$143.00 from the Town of Goshen, \$2,008.00 from the School District, \$773.00 from the Village of Goshen, \$154.00 from the Fire District and \$349.00 from the County of Orange.

**TOWN OF GOSHEN
RESOLUTION**

Settling of Tax Certiorari Claim; 155 Orange, LLC and 157 Orange, LLC and Chester LeBaron v. Board of Assessors for the Town of Goshen and the Town of Goshen

INTRODUCED BY: Councilman Philip Canterino

SECONDED BY: Councilman Kenneth Newbold

DATED: June 20, 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 20th day of June, 2011;

WHEREAS, 155 Orange, LLC and 157 Orange, LLC and Chester LeBaron have previously initiated against the Board of Assessors for the Town of Goshen and/or the Town of Goshen tax certiorari proceedings for assessment year 2010 under Index No. 7756-2010; 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 Judgment/Stipulation of Settlement is reasonable and in the best interest of the Town, and

WHEREAS, petitioner, 155 Orange, LLC and 157 Orange, LLC and Chester LeBaron, 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 authorized to sign or execute any and all documents necessary to effectuate 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

11. DISCUSS PROPOSAL BY JOHN CORR TO DONATE ONE HALF THE COST OF A NEW POLICE CAR TO THE TOWN

Supervisor Bloomfield shared with the Board Members that an offer has been made by John Corr to donate one half the cost of a new police car. The car would be a Crown Victoria, not a SUV. This year the Town has purchased one new police car. The second one is on hold until revenue comes in from a Cable Vision contract.

Councilman Cappella suggested purchasing a 6 cylinder car. The eight cylinder cars are no longer cost effective compared with the savings of a 6 cylinder on gas consumption.

Supervisor Bloomfield will wait for some-sort of confirmation by Mr. Corr from Police Chief Marsh.

12. DISCUSS AND APPROVE RESOLUTION FOR ELECTED OFFICIAL, COUNCILMAN CAPPELLA'S RECORD OF ACTIVITIES FOR THE NYS RETIREMENT SYSTEM.

Supervisor Bloomfield noted that anyone who wishes to participate in the NYS Retirement System must keep a log for 3 or 4 months to determine how many hours are worked in a standard work week. Our standard day is 8 hours X5.

Councilman Newbold made the motion to accept the Standard Work Day and Reporting Resolution as presented. Councilman Lyons seconded the motion.

BE IT RESOLVED, that the Town of Goshen hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk. Councilman Cappella has submitted 4.52 days per month.

Discussion:

Councilman Lyons questioned if Councilman Cappella deserved more hours. With being a liaison to the Senior Citizens Commission, Highway and Dial-A-Bus Committee, along with his meeting attendance, it seems that he has worked more days than submitted. Councilman Cappella assured the Board Members that his calculations were accurate.

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

13. DISCUSS U.S. DEPARTMENT OF AGRICULTURE 2008 FARM BILL WETLAND RESERVE PROGRAM

The Wetlands Reserve Program is a voluntary program that provides technical and financial assistance to private landowners to restore, protect and enhance wetlands in exchange for "retiring" eligible acres. There is a number of retiring black dirt farmers who wish to sell their acres and who are looking into this program. The Government offers three enrollment options. One option being to purchase at \$6,000 per acre to permanently eliminate the acreage from farming activities. Legislator Tom Pahucki met with Supervisor Bloomfield to discuss this topic. Legislator Pahucki pointed out that there are a number of active farmers who oppose this program. They believe that unused farm lands will generate seed bearing weeds and rodents which can easily travel to adjoining productive farms and make it harder for those farms to maintain their crops. Hence, Orange County highly recommends that the federal government through the offices of the Natural Resource Conservation Service, withhold, withdraw or rescind the federal funds that have

been allocated for the Wetlands Reserve Program for any land that is suitable for agricultural production. Likewise, Warwick has requested the Federal Government to rescind, withdraw funding for the Wetlands Reserve Program in New York State. The difference being that one is requesting for only Orange County and the other request is for anywhere in NYS. Supervisor Bloomfield is waiting for more information as to a consensus among the farmers in the Town of Goshen before any type of action is to taken.

EXECUTIVE SESSION:

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

1. Response To Latest Letter from Mayor Roddey Regarding New York Farms Sewer Service & Resumption Of Sewer IMA Negotiations
2. Status Review Of Sewer Dispute Arbitration With The Village
3. Discuss Tax Certiorari Status For:
 - a. Orange Hollow
 - b. RAD Realty
 - c. Matrock Properties
 - d. Eastgate Properties
4. Discuss Heritage Estates Conservation Easements A & B, And Their Water/Sewer Districts
5. Discuss Request Release Of Preferential Acquisition Rights

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

Time: 10:00PM

Priscilla Gersbeck, Deputy Town Clerk