

**TOWN OF GOSHEN
TOWN BOARD MEETING
September 25, 2008**

A regular meeting of the Town Board of the Town of Goshen was held on the 25th day of September, 2008 at 7:30 p.m. at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present: Douglas Bloomfield	Supervisor	Kenneth Newbold	Councilman
Louis Cappella	Councilman	Philip Canterino	Councilman
George Lyons	Councilman		

Also Present: Dennis Caplicki	Town Attorney
Valma Eisma	Town Clerk

A. CALL TO ORDER: Supervisor Bloomfield called the meeting to order at 7:35 p.m. and asked Geri Corey to lead the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA: None

C. PRIVILEGE OF THE FLOOR: No response from the Public.

D. REPORTS:

COUNCILMAN CANTERINO waived his report, as he has been traveling, will have one ready at the next meeting.

COUNCILMAN NEWBOLD waived his report also.

COUNCILMAN CAPPELLA reported Highway just finished paving Vetri Lane, Moonlight Trail and Milburn Road, which are completely finished. He said they will go on to finish sections of Reservoir Road next.

Councilman Cappella reported the Senior Citizen Commission met this week and he said he would like to give thanks to the Lions Club for presenting the Commission and the Senior Center with a personal sound system. He explained it is a component that hooks to the regular sound system, so that people who have hearing problems can have ear phones to enable them to be able to hear movies and other activities when the sound system is used.

SUPERVISOR BLOOMFIELD reported that on September 16th, the Orange County Municipal Planning Federation held it's annual dinner and at that dinner Susan Cleaver, who is a member of our Planning Board, was appointed to their Board of Directors. He said "we are very proud of Susan, she does a great job on our Planning Board, high energy, and it really reflects how well she works with us and what she does for our community."

The Supervisor also reported he met with John Mello, from the Federal Environmental Protection Agency. He is the chief of construction grants for District two, which includes us. He said they had a good conversation, which included our Budget Officer, Bill Standish, in reference to the John Hall Grant for the water line in Hambletonian Park. The Supervisor stated there is a lot of red tape in the Federal Government to get anything done, but Mr. Mello feels we should have the

check in hand before the end of this year. Supervisor Bloomfield explained the Board has been trying very hard to clean up a lot of loose ends. One of them is to follow up on all the grants still open and try to close them out. He said it came to their attention that a grant back in 2005 was still open. He said we spent all the money on some well rehab work except for eight thousand dollars in Arcadia Hills. Since then we have done some other work in Arcadia Hills and thought it would be good if we could use the \$8,000 to help pay for that work. The Budget Officer wrote and inquired if this would be possible and the Town received \$8,000 that could be applied to the water system for Arcadia Hills, and also closed out the grant. The Supervisor said he and Councilman Newbold will soon be meeting with Congressman Hall to request more help in the future for the water/sewer districts.

COUNCILMAN LYONS reported that our Town Attorney Dennis Caplicki's mother, Pauline Caplicki recently passed away and the family requested memorial donations be given to the Joint Recreation Commission for Youth Programs. Bonnie Mayefsky, Parks & Recreation Coordinator sent a letter to the Board calling their attention to the very thoughtful, generous request and asked that when expressing the Board's condolences, the Board also thank Attorney Caplicki and his family for the very thoughtful gesture. Councilman Lyons thanked Attorney Caplicki and his family.

Councilman Lyons said the Joint Recreation Commission is gearing up for it's fall programs that include Drama Kids, a new program this year; adult winter volleyball, youth winter basketball and a young chefs academy. He said Joint Recreation, along with the Police Department, will be holding it's Fall Festival Halloween party on October 25th at Craigville Park, from 1:00 to 4:00 p.m. There will also be a Chili Cook off in conjunction with the Festival. On November 22nd Joint Recreation will hold it's first annual Turkey Trot which will be held at the Salesian Park, a five K for adults and a one K for children. Also there will be a Family Film Fest to be held at the Senior Center, starting January 9, 2009 starting at 7:00 p.m., with more dates to follow.

Councilman Lyons also reported on the kitchen expansion at Craigville Park. Councilman Lyons stated the Board has been talking about a \$15,000 grant it hoped would be a help in the cost of the expansion. He handed out two engineering architect quotes which total \$8,150 for electrical and mechanical services. Councilman Lyons said he asked David Crawford, an architect who is a resident, who volunteered to help, how much the construction of the expansion would cost. Mr. Crawford quoted an approximate cost of \$30,000, this would make the total project approximately \$40,000. Supervisor Bloomfield suggested the Board look over the estimates and discuss it further at the next work session. Councilman Lyons said he was meeting with Mr. Crawford at 8:00 a.m. on Saturday morning if any member of the Board or public would like to come along.

E. OLD BUSINESS:

1. AWARD TRUCK BODY BID: SHOWALTER EQUIPMENT COMPANY: Supervisor Bloomfield explained one of the trucks in DPW has a dump body that has rotted through. He said the job of furnishing and installing a chassis on the truck dump body was put out to bid, as the Board felt that the truck has a lot of mileage left on it. He said there was only one bid submitted and that was Showalter's Equipment of Warwick.

**TOWN OF GOSHEN
RESOLUTION**

**AWARD OF BID FOR TRUCK DUMP BODY AND RELATED EQUIPMENT
To Showalter's Equipment of Warwick, New York**

Introduced by: Councilman Lyons
Seconded by: Councilman Cappella
DATED: September 25, 2008

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held at Town Hall in said Town on the 25th day of September, 2008;

WHEREAS, the Town Board of the Town of Goshen previously requested sealed proposals for furnishing and installing a chassis on truck dump body, and

WHEREAS, bids were received and publicly opened and read aloud on September 16, 2008 at the Office of the Town Clerk, Goshen Town Hall, 41 Webster Avenue, Goshen, New York, and

WHEREAS, Showalter's Equipment of Warwick, New York was the lowest bidder having submitted a bid price of \$12,000, and

WHEREAS, Showalter's Equipment of Warwick, New York was the lowest responsible bidder and same having complied with the public bid requirements as required by law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Goshen does hereby accept the bid of Showalter's Equipment of Warwick to furnish and install a steel dump body and related equipment for an existing chassis dump truck and that the appropriate Town Officials are authorized to finalize same.

Upon Roll Call Vote :

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

Vote: Resolution carried by a vote of 5 to 0.

Councilman Cappella stated, for the public's information, the Board was originally going to approve this two weeks ago and there were two proposals given at that time, one of them was Showalter's. However, when it went to public bid the other company did not enter a bid, and originally the Showalter's bid was lowest. Councilman Lyons also explained that in these economic times, the Board decided to refurbish as opposed to purchasing new.

2. RE-APPONTMENT OF MARIA CANTERINO TO THE RECREATION COMMISSION TERM: 9/2008 to 9/2011: Supervisor Bloomfield explained that Maria Canterino is one of the Town's appointees and her term is expiring in September. Councilman Newbold made a Motion to re-appoint Maria Canterino to the Recreation Commission for a term of 9/2008 to 9/2011. Councilman Cappella seconded the Motion. Motion carried unanimously. Supervisor Bloomfield said he would like to thank Ms. Canterino, as well as all of the people who volunteer for these positions, as they do not get paid.

3. SEQRA NEGATIVE DECLARATION – SLESINSKI PDR: Attorney Caplicki explained this is just the usual procedure taken with all the PDR purchases to complete the SEQRA process. At this point in the PDR process, the act of purchasing the Slesinski Conservation Easement, is an unlisted action under the SEQRA statute and it is required of the Board at this time, to move the matter forward, declare a Negative Declaration which will type the action as unlisted

Councilman Newbold made the Motion to declare the Negative Declaration. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

**NEGATIVE DECLARATION
TOWN OF GOSHEN TOWN BOARD**

**Slesinski Farm Conservation Easement in Connection with
The Purchase of Development Rights**

Determination: Please take notice that, according to the provisions of the State Environmental Quality Review Act (“SEQRA”) and 6 NYCRR Part 617.7, the Town of Goshen Town Board, as lead agency, having reviewed and considered an environmental assessment form, conservation easement and other supporting documents, has determined that the action as cited and described below will not have an adverse impact on the environment and therefore, the Town Board has adopted a resolution to that effect.

- Lead Agency:** Town of Goshen Town Board
- Contact Person:** Douglas Bloomfield
Town of Goshen Town Board
Town Hall – 41 Webster Avenue
Goshen, New York 10924
- Name of Project:** Slesinski Farm
- Location:** 220 Route 17A, Goshen, New York
- Tax Map Parcel:** Section 19, Block 1, Lot 121.2
- SEQRA Status:** Unlisted
- Action:** Conservation Easement in connection with the Purchase of Developmental Rights

Project Description, Background and Reasons Supporting the Negative Declaration:

The Easement Property is located within the Town of Goshen, whose comprehensive Plan, which includes the Open Space and Farmland Protection Plan adopted July, 2003, recommends Preservation of agriculture and open space of the Town of Goshen and further recommends protection of the Village of Goshen watershed to protect the reservoir providing potable water to the Village of Goshen.

This parcel consists of approximately 101 acres and is located on the north side of Cross Road (County Route 42). It is a former dairy farm, now utilized for field crops. The land area attributes are and/or includes, fields/pasture land, USDA statewide imports soils, farm buildings and a homestead. The parcel has approximately 1,426 feet of road frontage permitting scenic

views of the farmland property. This parcel is before the Town Board so that it may be conserved and protected by a conservation easement in connection with the purchase of the development rights by the Town of Goshen and the County of Orange.

The Negative Declaration has been issued based upon a review of the environmental assessment form, proposed conservation easement and other supporting documents, and comments received from the citizenry and the County of Orange. The Town Board has concluded that this action is consistent with the Town of Goshen's Comprehensive Plan, including its plans for conservation easements, open space and farmland protection. The town Board has found that there are no unmitigated adverse environmental impacts, as identified in the EAF or other wise, that will result in the purchase of development rights and the execution of the associated Conservation Easement.

Date of Action: September 25, 2008

Date of Mailing: September 25, 2008

Involved Agency:

Orange County, New York
c/o Laura Wong-Pan, Esq.
Assistant County Attorney
255 Main Street
Goshen, New York 10924

F. NEW BUSINESS:

1. AUTHORIZE THE HIRING OF ANTHONY LASAPONARA AS WATER/WASTEWATER MAINTENANCE WORKER, AT \$20.61 PER HOUR, STARTING DATE OF OCTOBER 6, 2008:

Supervisor Bloomfield explained that Anthony Lasaponara has been an employee in the DPW and would like to make a lateral transfer to the Water/Wastewater Department. Councilman Newbold made the Motion to transfer Anthony Lasaponara from the DPW to Water/Wastewater Maintenance Worker, at \$20.61 per hour, starting October 6, 2008. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

2. AUTHORIZE THE HIRING OF GEORGINE HENDRICKS AS PART-TIME COURT CLERK, AT \$12.76 PER HOUR, STARTING DATE OF October 6, 2008: Councilman Newbold made a Motion to hire Georgine Hendricks as a part-time Court Clerk, at \$12.76 per hour, starting date October 6, 2008. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

3. RESOLUTION: AUTHORIZE SUPERVISOR TO EXECUTE NECESSARY DOCUMENTS: FORDHAM UNIVERSITY V TOWN OF GOSHEN, ET AL.: Attorney Caplicki explained that Fordham University brought an Article 78 against the Town in regard to its tax status. The property is located on Wood Road and based upon research and review, Attorney Caplicki and the Tax Certiorari Consultant, agree that Fordham University's position is correct. There is a State law that all charitable organizations must file an exemption certificate by a certain date, Fordham University did not do this in a timely fashion. Therefore they were not given the exemption last year. Attorney Caplicki stated there is case law in the Court of Appeals that this error of not filing an exemption certificate does not warrant the lose of the exemption, and religious organizations are still entitled to the exemption. Attorney Caplicki said he feels it

would be a poor use of taxpayer funds to defend this case going forward, knowing that the ultimate result will be granting the exemption.

A Motion was made by Councilman Newbold to authorize the Supervisor to go forward with the documents to settle the Litigation entitled "Fordham University v. Town of Goshen, et al". The Motion was seconded by Councilman Lyons.

In discussion Councilman Canterino said he feels the Board has to scrutinize all tax exemptions, no matter who or what they are, to be sure that the whole organization and the whole property is eligible for exemption. He said since the Town has so much tax exempt property on the rolls, we need to be sure that all buildings on the property really warrant a complete exemption. Councilman Cappella agreed. Councilman Canterino suggested the Board look into the entire use of all the property and it's buildings to be sure it should all be eligible for exemption. Councilman Canterino said that since the taxpayers will be subsidizing this parcel and all future parcels, it is the Board's responsibility to see that all properties, looking for exemptions, be looked over very carefully by the Assessor, Town Board and Planning Board.

After a lengthy discussion, Councilman Lyons stated he understands Councilman Canterino's concerns, however, tonight the Board is being asked to address this particular property. He said as it appears, we could spend a great deal of money in legal fees, only to end up losing. He said he would like to move the question, and he would be voting yes. Councilman Canterino again questioned why Fordham did not file the proper papers and if they didn't why the exemption should be granted.

TOWN OF GOSHEN RESOLUTION

Authorization to the Supervisor, Town of Goshen, To Execute Necessary Documents To Settle Litigation Entitled "Fordham University v Town of Goshen, et al"

Introduced By: Councilman Kenneth Newbold
Seconded By: Councilman George Lyons
Dated: September 25, 2009

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 25th day of September, 2008;

WHEREAS, Fordham University has commenced a proceeding pursuant to Article 78 of the C.P.L.R. against the Town of Goshen, it al to annul a determination of the Town of Goshen to assess and levy real property taxes against certain property known on the tax maps of the Town of Goshen as Section 5, Block 1, Lot 58, and

WHEREAS, the Town of Goshen Has reviewed and analyzed same and seeks to resolve same in an expeditious and cost effective manner,

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Goshen is authorized to sign and execute all documents necessary to settle the aforementioned litigation; to

wit, Fordham University v. Town of Goshen, et al, as per the terms of the annexed Stipulation and Order.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 4 to 1.

Councilman Cappella said he agrees with Councilman Canterino's concerns, and asked Attorney Caplicki if the Board would have the right to look back at the already exempt parcels and review them. Attorney Caplicki stated yes, they can be reviewed every year.

G. FINANCE: Councilman Canterino made a Motion to authorize the Supervisor to pay Manual Check run of 09/08/08 amounting to \$24,238.71, Adjusted Add on to 9/11/08 Check Run amounting to \$3000.00, Manual Check Run of 9/15/2008 amounting to \$3,576.90. Manual Check Run of 9/22/2008 amounting to \$1,446.86, Manual Check Run of 9/23/2008 amounting to \$1812.00, and Check Run of 9/25/2008 amounting to \$163,159.63. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

H. PRIVILEGE OF THE FLOOR:

Jerry Boss said, as the Board is aware, he has been curious about Frank Celli Jr. and his fitness to be in the trash hauling business. He said I believe he is the same Frank Celli Jr. who at one time was negotiating with the Town of Goshen, representing Interstate Waste Corporation for host tipping fees. He cited a case involving All Waste Systems and a Mr. Frank Celli who Mr. Boss assumes is the father of Frank Celli Jr., who is a convicted felon. Mr. Boss said also named in the case was Joseph Milo, brother of Thomas Milo, also a convicted felon, principal of All Waste. He went on to name others, including Frank Celli Jr. He said we are still doing business with Interstate Waste Corporation in which Frank Celli Jr. has now been promoted within AIG. He went into detail all the Corporations that seem to be connected in the trash hauling field. He referred to a stock purchase agreement made in 1998, between two other trash haulers and other items that have all the names listed above, including Frank Celli Jr. Mr. Boss says he is sure Frank Celli Jr. was a principal in All Waste. Mr. Boss said they were all connected with All Waste Systems which was designated by the United States Department of Justice as an organized crime endeavor.

Mr. Boss said he has a problem with the Board negotiating with anyone connected with organized crime. Mr. Boss asked Councilman Lyons about a meeting which he attended and asked that the firm be investigated. Councilman Lyons said he remembers the meeting, but was under the impression that the DEC would be the agency to do the investigating. Mr. Boss said this company was doing business in our town and they all went to jail, it was our responsibility to investigate them.

Mr. Boss went over the history of the trash hauling business in many areas and what the various Boards did or did not do through the years. He said this facility has been operating for years without a license.

Councilman Bloomfield said that transfer station was Northern Recycling, which had a license and then it went to Waste Management and the license was transferred to them. It then went on to become Interstate Waste. He was not sure if the license could be transferred, but will speak to

the attorney about this. The Supervisor stated Interstate Waste is owned by AIG Insurance Company, and Mr. Celli, Jr. is an employee of Interstate Waste and he was in contact with him and his attorney. However, he said Mr. Celli, Jr. is now gone and he is dealing with the company's attorney in an effort to establish host fees.

There was an extensive discussion as to the operation of the facility and what monitoring of the operation is being done. Supervisor Bloomfield said there have been no complaints from the citizens about the operation since Interstate Waste has been in business. He said there has been a significant improvement of the facility, the Board is negotiating a host fee and this Board is examining the 80B Code. He said he does not know where Mr. Celli is and has no reason to try to find him.

I. EXECUTIVE SESSION:

Councilman Canterino made a Motion to go into Executive Session to discuss THE 207c negotiations, the IWS Contract, the Comprehensive Plan-potential litigation and a personnel issue in the Building and Zoning Office. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

J. ADJOURNMENT: 8:30 p.m.

Valma Eisma, Town Clerk