

TOWN OF GOSHEN
TOWN BOARD WORK SESSION AND REGULAR MEETING
November 22, 2010

MINUTES

A combined Work Session and Regular Meeting of the Town Board of the Town of Goshen was held on the 22nd day of November, 2010 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
	Louis Cappella	Councilman
	George Lyons	Councilman
	Kenneth Newbold	Councilman
	Philip Canterino	Councilman

Also Present:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

A. CALL TO ORDER: Supervisor Bloomfield opened the meeting at 7:30 p. m. and led the Pledge of Allegiance.

B. AMENDMENT TO THE ADGENDA: None

C. PRIVILEGE OF THE FLOOR(agenda items only): No response.

D. REPORTS:

COUNCILMAN CAPPELLA reported the Highway Department has been picking up leaves in the subdivisions, and are almost finished. The Senior Center had it's Thanksgiving luncheon this past week, and it was very successful. He also reported the Senior Center rentals between now and the New Year are almost completely full.

COUNCILMAN NEWBOLD reported the bids were opened for the installation of the water tank at Scotchtown Park, and will be discussed further into the meeting.

COUNCILMAN LYONS reported that Joint Recreation's annual 5K Turkey Trot took place on Saturday, with forty runners, and there was also 1k Tot Trot with thirty participants. He said the event was a huge success and there was a food drive collection center set up, with the donations going to the local food pantry at the Presbyterian Church. He thanked the organizations and businesses that helped and sponsored the occasion.

Councilman Lyons also reported the annual Christmas trip to Radio City will take place on

Wednesday, December 8th. Tickets are offered on a first come, first served basis, and are currently sold out, a waiting list is available.

He said Zumba has been very popular, and a new class will be starting on 11/23/2010 at the C.J. Hooker School at 4:45 p.m.

Councilman Lyons stated ground breaking for the Salesian rest rooms took place about two weeks ago, and plumbing and block work are beginning. He said the footings are in, and the first row of blocks are in. He said the project is partially funded by the County, and they are requesting an extension that will be addressed later in the agenda.

Councilman Lyons stated he attended the annual Emergency Action Plan Meeting. He said there is a list made up every year of contacts throughout the County in the event of an emergency. He said they would like to add Dial-A-Bus to that list, so in the case of an emergency they could use it in the transport of the seniors citizens to a safe place.

COUNCILMAN CANTERINO reported the Chief was involved in an accident involving a deer that was hit by someone else, and then bounced onto the Chief's car. He said he spoke to Sergeant Faust and was told they were awaiting the results of an MRI the Chief had had or was going to take. The Chief suffered a broken toe and an injury to his knee, and Councilman will keep the Board informed as to the Chief's condition.

Councilman Canterino stated there was no overtime paid for the Frank Romano Five K race as the two officers on duty covered it.

SUPERVISOR BLOOMFIELD reported he and Councilman Canterino have been negotiating with the PBA, and the last two scheduled meetings for this year have been canceled. He said they will probably be rescheduled for after the holidays.

He also reported that he and Councilman Newbold share the Water/Sewer Commission position, and that the backup well for Stone Hedge is finished. He said the Board has just paid the final bill, and it finalizes a long term problem. He explained the Health Department has been asking, for a number of years, that the Town have a back-up well for Stone Hedge. He said the Board has been collecting the money for some time to do this, and was able to pay cash for it, not having to borrow any monies.

He said he was concerned about comments criticizing the Board for not trying to negotiate or move along the Al Turi Landfill Tax Certiorari. He said he would like to report directly to the public that "Councilman Canterino, and I, along with our Tax Certioraris Attorney, probably had ten to twelve meetings since 2006 with the Al Turi Landfill Organization." He said a couple of times they met with the principles, the people who own it. He said on one or more occasions they thought they had a settlement they could bring to the Board, but it just did not turn out that way. However, he said to say that we have not been paying attention to this, or not acting upon it, this is not true.

E. PUBLIC HEARING: LOCAL LAW AMENDING CHAPTER 55 OF THE CODE OF THE TOWN OF GOSHEN ENTITLED "DOGS" TO PROVIDE FOR PROCEDURES TO BE FOLLOWED IN RELATION TO THE LICENSING OF DOGS.

Councilman Newbold made a Motion to open the Public Hearing for Local Law Amending Chapter 55 entitled "DOGS". The Motion was seconded by Councilman Lyons. Motion carried 5 to 0. Supervisor Bloomfield called for comments from the public. There was no response. Councilman Newbold moved to close the Public Hearing. Councilman Lyons seconded the Motion. Motion carried unanimously.

Supervisor Bloomfield asked Attorney Caplicki to review the Local Law with the Board. Attorney Caplicki explained that the Ag and Market Law was amended to place the absolute control of licensing dogs to the local level, and in doing so allowed the fee schedule to be increased to cover the additional costs incurred by the municipality. He stated the Town now has to have in place by January one a Local Law accepting this responsibility. He referred to page three §55-3, and the projected dog license fees. The fees for a dog license shall be as follows:

- i. Unsprayed/Unneutered Dog \$15.00 (includes state mandated \$3.00 surcharge)
- ii. Spayed/Neutered Dog \$ 7.00 (includes state mandated \$1.00 surcharge)

There was a brief discussion about the old fees of \$13.50 for unsprayed/unneutered dogs and \$5.50 for the spayed/neutered, as well as the surcharge that still has be paid to the State.

Councilman Newbold made a Motion the Board adopt Local Law N0. 2 of 2010. The Motion was seconded by Councilman Lyons.

Upon Roll Call Vote:

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

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

F. OLD BUSINESS:

- 1. Resolution to Reduce the NYTT, LLC Performance Bond of \$109,154 to a \$35,664 Maintenance Bond:** Supervisor Bloomfield explained this project has completed a substantial amount of work, and the engineer is recommending a reduction of the Performance Bond, with maintenance Bond of \$35,664 remaining until the work is completely finished.

**TOWN OF GOSHEN
RESOLUTION**

**Authorization of Reduction of Amount of the Bond With Respect to NYTT, LLC
Improvements at Cannon Hill Drive**

INTRODUCED BY: Councilman Louis Cappella
SECONDED BY: Councilman George Lyons
DATED: November 22, 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 22nd day of November, 2010;

WHEREAS, NYTT, LLC owner and developer of property located at 22 Cannon Hill Drive, Goshen, New York previously deposited with the Town of Goshen the sum of \$109,154 in cash to guarantee the completion of certain "private" improvements including drainage projects on the subject real property as well as construction and continuation of Cannon Hill drive; and

WHEREAS, substantial work has been completed with respect to said construction drainage projects and road construction; and

WHEREAS, the Town engineers, Riddick Associates, have inspected the "private" improvements and the construction stages of the project and have recommended that the aforementioned bond be released to the amount of \$35,664, and

NOW, THEREFORE, BE IT RESOLVED, that the aforementioned cash bond be reduced to a level of \$35,664 and said amount shall be retained by the Town of Goshen as a Maintenance Bond pursuant to the Town's rules and codes; the balance of said cash bond monies be refunded to NYTT, LLC owner and developer of the property located at 22 Cannon Hill Drive, Goshen, New York.

Upon Roll Call Vote:

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

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

2. Discuss Bid Responses and Award Contract for Installation of the Scotchtown Water District Storage Tank: Supervisor Bloomfield explained that some time ago the Board had gone out for bids to purchase a water storage tank and the installation of same for Scotchtown Water District. However, the bids came back so high the Board could not accept the bids, as the district did not have the money. He said because the existing tank could fail at any time, the Board purchased the tank only and paid for it with cash at that time. The District then was charged an assessed fee until the money was there to have the tank installed. The Supervisor said now the money or the means are here to install this tank.

Supervisor Bloomfield said therefore the Board put the installation of the tank out to bid. There were two offers submitted: one from Tam Enterprises, of New Hampton, for \$33,550.00 and Jorrey Excavation, Middletown, N.Y. \$120,000.00. Riddick Associates, P.C. felt the low bidder has worked for the Town on prior projects and their recommendation is to award this contract to Tam Enterprises. Councilman Newbold made a Motion to accept the Tam enterprises bid of \$33,550.00

to install a water storage tank at Scotchtown Park. The Motion was seconded by Councilman Lyons. Motion carried 5 to 0.

**TOWN OF GOSHEN
RESOLUTION**

**Authorization to Award Bid with Respect to Scotchtown Park Water Storage Tank
Installation; Authorization to Supervisor to Sign All Necessary Documents**

INTRODUCED BY: Councilman Kenneth Newbold
SECONDED BY: Councilman Louis Cappella
DATED: November 22, 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 22nd day of November, 2010;

WHEREAS, the Town of Goshen previously solicited proposals for the installation of a water storage tank in the Scotchtown Park Water District; and

WHEREAS, sealed proposals were received for the referenced project on Thursday, November 18, 2010; and

WHEREAS, TAM Enterprises has submitted a bid package which included the required bid bond with power of attorney attachment, the non-collusive bidding certification and a qualification statement; and

WHEREAS, said documents have been received, reviewed and determined to be in acceptable form;

WHEREAS, the Town Board of the Town of Goshen now wishes to proceed with the award of the aforementioned bid and authorize TAM Enterprises to commence the project;

NOW, THEREFORE, BE IT RESOLVED, that the low bid for the Scotchtown Park water storage tank installation of TAM Enterprises in the principal Amount of \$33,550 be accepted and the Town Board of the Town of Goshen does hereby award the project to the successful bidder; to wit, TAM Enterprises of New Hampton, New York in the principal amount of \$33,550 and the Supervisor of the Town of Goshen is hereby authorized to sign any and all documents to effectuate the award and initiation of the referenced project.

Upon Roll Call Vote:

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

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

3. Resolution: Salesian Bathroom Grant Extension to June 1, 2011: Councilman Lyons stated the bathrooms at Salesian are being constructed with funds from a County Grant. Due to many circumstances they are asking the County for a time extension to June 1, 2011. Councilman Lyons made a Motion to authorize the Joint Recreation Commission to request an extension from the County, for the completion of the bathrooms at Salesian Park to June 1, 2011. The Motion was seconded by Councilman Newbold. The Motion was seconded by Councilman Newbold. Motion carried 5 to 0.

4. Maintenance of Wallkill River: Supervisor Bloomfield reported he received a letter from the County Executive, Eddie Diana and the Chairman of the County Legislature, Michael Pillemeier. He said in this letter they disagree with the Town's position that an application be required for them to remove the trees, etc. from the Wallkill River as part of the clear up north of the bridge on Maple Avenue. They requested a written response. He referred to a letter in the Boards folders dated November 8, 2010, responding to their request. The Supervisor read the letter:

I am acknowledging receipt of your letter of November 8, 2010. Please be advised that the Town of Goshen does not agree with your analysis that the anticipated work to include selected cutting, and the removal of trees, but not the tree stumps, along the Wallkill River, does not require a Flood Plain Development Permit. However, as previously indicated, the Town of Goshen wishes to cooperate in all respects with any legitimate proper request, and the Town and its officials have no interest whatsoever in delaying and/or obstructing any activity along the banks of the Wallkill River which may benefit the farmers in the Orange County area.

Supervisor Bloomfield said that this letter acknowledges that we do not agree with their assessment that a permit is not required. Our Attorney and the Building Inspector both feel a permit is required. A short discussion followed and the Board agreed they were concerned about the effect the removal might have on the residents down stream, and the fact they do not want to upset the relationship the Town has with the County. The Board agreed the Supervisor should send the letter that was read to the County.

G. NEW BUSINESS:

1. Resolution: Performance Bond RE: Meadows of Goshen Subdivision: Attorney Caplicki explained the Meadows of Goshen is a subdivision located on Maple Avenue. The applicant has applied to the Planning Board, there have been some revisions, and the engineers have examined it and made some revisions. There is now a recommendation that a Performance Bond be established. He reviewed the following Resolution.

TOWN OF GOSHEN RESOLUTION

Establishment of a Performance of a Bond for Excelsior Holdings of OC, LLC with Respect to Meadows of Goshen Subdivision Project

INTRODUCED BY: Councilman Kenneth Newbold
SECONDED BY: Councilman George Lyons
DATED: November 22, 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 of the 22nd day of November, 2010;

WHEREAS, Excelsior Holdings of OC, LLC has applied to the Town of Goshen Planning Board for a development project under the name of Meadows of Goshen Subdivision; and

WHEREAS, said project and submissions have been reviewed by the Planning Board of the Town of Goshen and the Engineers for the Town of Goshen with respect to the establishment of a performance bond concerning the project; and

WHEREAS, the Engineers for the Town of Goshen; to wit, Riddick Associates, P.C., have recommended to the Planning Board of the Town of Goshen and to the Town Board of the Town of Goshen that the total performance bond amount be established as a cash bond in the sum of \$961,200; and

WHEREAS, the applicant/developer is also required to post security with the Town of Goshen in the amount of \$10,000 to be held by the Town in an interest bearing account to mitigate any affects to offsite adjoining homeowners with respect to water supply wells.

NOW, THEREFORE, BE IT RESOLVED, that the performance bond for the project of Excelsior Holdings of OC, LLC known as Meadows of Goshen Subdivision be established in the amount of \$941,200 and the applicant is to post said sum with the Town; same subject to the format approval thereof by the Attorney for the Town and further that the developer shall post security in the amount of \$10,000 with the Town of Goshen; same to be held in an interest bearing account for the purpose of mitigating any affects to offsite adjoining homeowner water supply wells.

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.

2. Resolution for Tax Relevy of Unpaid Water and Sewer Bills: Supervisor Bloomfield explained that each year the Board addresses this problem by attaching the unpaid bills to their tax bill. After a brief discussion the following Resolution was approved.

TOWN OF GOSHEN RESOLUTION

Authorization to Relevy Unpaid Utility Bills with Respect to Special Districts

INTRODUCED BY: Councilman Kenneth Newbold
SECONDED BY: Councilman Louis Cappella
DATED: November 22, 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 22nd day of November, 2010;

WHEREAS, there exists certain outstanding unpaid water and sewer bills and water meter installation charges with respect to real property parcels located in Hambletonian Park Water and Sewer District #1, Arcadia Hills Water and Sewer District #2, Stonehedge Water District #3, Scotchtown Water District #4, and

NOW, THEREFORE, BE IT RESOLVED that the aforementioned relevy of unpaid utilities with respect to District #'s 1,2,3 and 4 be relevied/levied on the pertinent real property tax bill and the County of Orange be so notified; all as more particularly set forth in Schedule A annexed hereto.

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.

3. Orange County Partnership 2010 Annual Dinner Meeting, Tuesday, December 7th at Anthony's Pier 9: Supervisor Bloomfield stated that this was just a reminder to the Board of the upcoming Annual Dinner Meeting in case someone wanted to go.

4. Accept the Resignation of Linda Finnegan, Part Time Employee, Building and Zoning Office, Effective 11/12/2010. Supervisor Bloomfield stated he was sorry to lose Ms. Finnegan, as she was a very good part time employee, and did the escrows for that office. He reported the Board does not intend to replace her at this time. Councilman Canterino made the motion to accept Linda Finnegan's resignation. The Motion was seconded by Councilman Lyons. Motion carried unanimously. Councilman Canterino suggested a letter be sent to thank her for her time of service.

5. Authorize the Supervisor to Sign a Contract for Labor Legal Services with Donoghue, Thomas, Auslander & Drohan, LLP for 2011. Rates for 2011 to Remain the Same as 2010 and 2009: Supervisor Bloomfield reported he received a letter from Donoghue, Thomas, Auslander & Drohan, LLP, the group of attorneys that handle our labor negotiations. He said the letter was from Stuart S. Waxman, the CEO of the group, He read the following section of the letter:

At about this time each year, we advise clients of any anticipated changes in fees for the coming year. However, taking the Town's economic climate into consideration, our firm has again elected to freeze our rates at the levels in effect since 2009. Therefore, we will continue to charge the Town of Goshen at the rate of \$195.00 per hour for attorneys and \$90.00 per hour for paralegal services for the period of January 1 through December 31, 2011. Councilman Canterino stated the firm is only used sparingly, when needed for contract negotiations.

Mr. Waxman enclosed a copy of the agreement with a signature line for the Supervisor to accept the proposal. Councilman Canterino moved to authorize the Supervisor to sign the agreement for paralegal services with Donoghue, Thomas, Auslander & Drohan, LLP. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

6. Foil Request: Hudson Valley Tax Advisors: Supervisor Bloomfield asked Councilman Canterino to address the foil request. Councilman Canterino explained that a foil request was received by the Town Clerk from Hudson Valley Tax Advisors asking for "pursuant to the Freedom of Information Law, (FOIL), we are respectfully requesting copies of all assessment change notices sent to property owners in 2009 and 2010. Additionally, we are requesting copies of all 2009 and 2010 neighborhood analysis of assessment.". Councilman Canterino said he was in the

Town Clerk's office when the foil request was made, and he was confused as to how it was presented, since it was in a letter form. He said the Town has a foil application that should be filled out, stating exactly what they are foiling for, it is .25 cents per page, and anyone who foils the Town is supposed to fill out this application. He said there are at least three or four hundred changes of assessment. He said he was confused as to why we would have to create all of this information to someone to enable them to solicit customers, and possibly use this information to reduce the tax base of the Town. He also referred to the time that would have to be spent, in an already extremely busy Assessor's office, to compile this information. He asked Attorney Caplicki's advice. Attorney Caplicki explained that this seem to be a somewhat extensive request. He said he would respond to Mr. Rella's request explaining that our records are public, and he is at liberty to stop into the office and view and have copies made at the usual twenty five cents a copy. He said as to the neighborhood analysis, the Assessor's Office does not compile this, so it is non existent. Attorney Caplicki stated it is not up to the Town employee to create something that is not readily available. Attorney will contact Mr. Rella, and explain the process to him, and inform him that he is welcome to come in at any time and review the records he would like to see.

H. FINANCES: Councilman Newbold made a Motion to pay Manual A/P Runs as of 11/10/-11/16/2010 amounting to \$450,921.22 and Accounts Payable Check Run for November 18, 2010 amounting to \$95,903.69. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

I PRIVILEGE OF THE FLOOR: Neal Halloran, Town Building Inspector reported that he had heard from the DEC last week, and that the petition that the Town made in reference to Purgatory Swamp and the Audubon Society will probably be acted upon in 2012.

Joel Markowitz spoke in reference to the FOIL request problem, and stated this might not be a problem if the Town had a data base. He said many times there seems to be a hesitation by some clerks to give information, and it is all public record. Supervisor Bloomfield said he had spoken to the Town of Goshen Assessor and he was told she would have to pull each transaction that had been changed, and the analysis of the neighborhoods are not being done. Supervisor Bloomfield stated we have not had a problem with our FOILS, and the public is always welcome to come in and view, and research any FOILABLE records. Councilman Canterino asked if he had ever had a problem with our offices. Mr. Markowitz replied no.

J. ADJOURNMENT: With no further comments Councilman Newbold made a Motion to go into Executive Session, with intent not to return, to discuss the following:

1. Discuss Request by New York Farms to create Water and Sewer Districts and/or Sewer Transportation Company
2. Al Turi Landfill Litigation Update
3. Village/Town Arbitration Update
4. Personnel Issue – DPW
5. Personnel Vacancy on the Planning Board
6. Rettberg Mediation 12/14/2020
7. Time Warner Cable Franchise Renewal – Response to our last Communication
8. Friendly Ice Cream Corp v Town of Goshen Tax Certs

The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Time: 8:35

Valma Eisma, Town Clerk

