

TOWN OF GOSHEN
TOWN BOARD WORK SESSION
January 07, 2013
MINUTES

A work session of the Town Board of the Town of Goshen was held on the 7th day of January, 2013 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 7:31pm, followed by the Pledge of Allegiance.

1. HEAR CHET'S GARAGE, INC. CONCERNS REGARDING MODIFICATION AND ADOPTION OF TOWN TOW POLICY

Representing Chet's Garage Inc. Attorney Alan Lipman addressed the Board pertaining to the recent changes to the Town of Goshen Police Tow Service Policy effecting the operations of three towing businesses; Chet's Garage, K-Team and Hambletonian Towing. Attorney Lipman explained that the operations of the three businesses have no connection with each other. "They are separate businesses". Mr. Raymond Korycki (Chet's Garage) owns not more than 10% of the other two operations and is giving his shares away to his daughters. Therefore, he is not the complete/controlling owner of the other two businesses. The other two, K-Team and Hambletonian Towing are in the hands of relatives and have no connection with each other. They operate independently. They are each entitled, if there is to be a selection process to choose who is going to get the call, it should to be handled on a *fair basis*. It's not right to treat the three businesses as one, because they have the same last name.

The State Police has a towing policy and a frequent need to call towing operators. The policy used by the State Police has been recently revised. The standards they use to determine which tow operators to call should be looked into and could possibly be incorporated into the Town's policy to uniform the standards in which tow operators are to be called. Being treated separately, the three entities have no problem with the State Police towing policy.

[A copy of the Middletown State Police Goshen Light Duty call list was submitted for the record and is available in the Clerk's office].

Supervisor Bloomfield stated that there has been a lot of controversery over this with the Town Police Dept. The changes are within a policy, not a law. The Board is open to what was presented tonight and will take another look at the fairness of the policy.

Attorney Caplicki pointed out that there has been a variety of complaints about the operation of tow businesses. This is an attempt of the Town Board not to penalize anyone, but to bring more competition into the field. This may alleviate some of the economic burden of those who become involved in having to pay the tow charges. Goshen uses the 911 dispatching service for tows. They use a "day" system for tow calls.

Supervisor Bloomfield has received complaints from the citizenry regarding the high charges of towing bills. The issue of competition needs to be addressed.

Attorney Lipman noted that the policy changes have essentially reduced the number of competitors' to two groups of tow operators, the Korycki group and the Adamis group. The changes will probably have no effect on regulating charges. Attorney Lipman favors a meeting between the Town Board and the towing businesses to review their policy of determining charges.

Councilman Canterino inquired if the three Korycki's towing operations were all domiciled under one roof. Answer: No they are in separate locations. Secondly, when the financial statements are filed, are they consolidated into one? Answer: No, they are truly separate. The impound facility is physically located at Chet's and the other two towing operations lease space at this impound facility. Adamis leases his impound space at Goshen Collision.

Mr. Adamis requested that the Town look at the Village Towing Policy. He also believes that the State Police are revising their towing policy.

Supervisor Bloomfield suggested that communications regarding the Town Towing Policy go through Attorney Caplicki's office. He will pass on to the Board his findings and suggestions.

2. REVIEW NUGENT & HAEUSSLER, INC. CONTRACT PROPOSAL FOR TOWN OF GOSHEN 2012 AUDIT AND AUTHORIZE SUPERVISOR TO SIGN THE SAME.

On December 13, 2012 Nugent & Haeussler penned a letter of the procedures and services they will provide to the Town of Goshen for the year ending December 31, 2012. They will audit the financial statements of the Town activities, each major fund and the aggregate remaining fund information of basic financial statements minus the Justice Department. This service will cost the Town \$23,000.00. The Police Dept. and the Justice Dept. have been audited. The Dial-A-Bus is a Federal program for which we can obtain future grants to cover that audit. This year Nugent & Haeussler Inc. was asked to put together a proposal to audit the Highway Department. The Highway Department is due for an audit, because it's been years since their last one. An additional fee was quoted to be between \$2,800.00 and \$3,400.00. Supervisor Bloomfield believes that the estimate for the Highway Dept. audit is too expensive.

Councilman Canterino stated that we are not looking for anything specifically. The audit is to help the Town run more efficiently in making better decisions.

Supervisor Bloomfield will recheck with Nugent & Haeussler on an agreed price for proposing a resolution.

3. DISCUSS QUALITY ENVIRONMENTAL SOLUTIONS & TECHNOLOGIES, INC. (QUES&T) ASBESTOS ANALYSIS FOR THE SALESIAN SCHOOL BUILDING AND DEVELOP A PATH FORWARD FOR FURTHER ACTION.

Councilman Lyons addressed the Board. He has been working on this project and reported that the *estimated* cost to remove the entire former Salesian School building will be over \$500,000.00.

What he is attempting to accomplish is to get a removal estimate for *"just"* the asbestos-containing

materials throughout the interiors and exteriors of the building. He spoke to Paul Rodriguez (licensed NYS/AHERA asbestos inspector) who is in contact with Fred Lettrel (Asbestos Corp. of America). Mr. Lettrel has agreed, at no cost to the Town, to give the Town a ball-park figure of Phase I, II, and III for the asbestos abatement. There are several steps/procedures to follow before, during and after the asbestos abatement. There is so much asbestos that once the removal is accomplished about 50% to 60% of the building will be gone. However, it could get worse. If the building collapses prior to the abatement, then the entire building will be classified with asbestos contamination. Councilman Lyons is looking to report to the Town Board, Village Board and Parks & Recreation Commission the least estimated amount for asbestos abatement.

4. DISCUSS CURRENT SITUATION IN CHANGING INSURANCE CARRIER FOR RETIREES

In search for cost-effective health insurance coverage that will provide for the Medicare eligible retirees, Hartford Insurance Part D was selected. However, Councilman Lyons was notified that NYSHIP has an all or nothing clause. Specifically, "an agency that entered NYSHIP on or after March 1, 1972, wishing to withdraw its Medicare eligible retirees from NYSHIP will be required to withdraw all of its retirees from NYSHIP. An agency that entered NYSHIP prior to March 1, 1972, that wishes to withdraw its Medicare eligible retirees from NYSHIP must withdraw from NYSHIP if it has any employees hired prior to April 1, 1977, who are retired or eligible to retire".

In order not to jeopardize insurance coverage for other employees, the Town will remain with NYSHIP. Medical coverage for an employee family plan is around \$20,000 per year and will be going up 7.4%. The employees do not contribute into this. It is a cost borne by the Town. Throughout this year Councilman Lyons will be working on changing/obtaining better *cost-effective* health insurance coverage for 2014.

5. REVIEW PROPOSED DOG CONTROL OFFICER CONTRACT WITH GOSHEN HUMANE SOCIETY

The Town received a proposed provision of services by the Humane Society. This contract was to include the duties of the animal control officer. However, thru a misunderstanding this contract doesn't include the requested duties. Consequently, this contract will be returned to the Humane Society and re-evaluated for acceptance at the next meeting.

6. DISCUSS EXCESSING THE DOG CONTROL VAN

This will be discussed in conjunction with the Humane Society contract.

7. DISCUSS PETITION BY GURDA GARDENS, LTD TO REZONE 271 MAPLE AVENUE, SBL 19-1-95.21 FROM RU TO SM SOIL MINING

A petition has been filed by Gurda Gardens Ltd. for the Amendment of the Zoning Code and/or Zoning map of Town of Goshen located at 271 Maple Avenue. The Petitioner's property is located in the RU, Rural Zoning, District which does not allow soil mining operations. The Town does permit sand and

gravel mining within the SM, Soil Mining Overlay District. If a portion of this property was changed to SM to allow for soil mining, it would be at risk of "spot zoning" and/or opening up other RU Districts for mining operations. Attorney Caplicki suggested inviting the Petitioner to the next Town Board Work Session to present their rationale for this request.

8. INFORMATION: THE SUPERVISORS "STATE OF THE TOWN" TALK WITH THE GOSHEN CHAMBER OF COMMERCE HAS BEEN RE-SCHEDULED FOR MARCH 20TH VS JANUARY 16TH

This is slated for informational update.

9. LOCAL LAW POLICE DISCIPLINE

Supervisor Bloomfield stated that the Town of Wallkill passed a local law for the Town Board to appoint an arbiter instead of going to the normal arbitration process. The PBA did challenge this, but the courts ruled in favor of the Town of Wallkill. Hence, we feel that it would be wise to take a closer look at this for our next meeting.

10. REQUEST BY GOSHEN LITTLE LEAGUE FOR GUARDRAIL PLACEMENT AT EDGE OF SPORTS FIELDS ON CRAIGVILLE ROAD

Councilman Lyons reported that the Goshen Little League received a response from the Orange County Department of Public Works. This response pertains to a request for the County to install guiderails along the right side of Craigville Road where children are playing in the park ball field. As quoted from the letter by Charles W. Lee, P. E., Commissioner of Public Works; "We have determined that guiderail is not warranted in accordance with the New York State Highway design manual standards that govern guiderail placement. Therefore we will not install guiderail within the county road right-of-way at the area you requested." With this acknowledgement, the Goshen Little League will have to come up with a way to insure safety to that area.

11. AL TURI LOT LINE ADJUSTMENT

Attorney Caplicki explained that Al Turi Landfill, Inc. is looking for an approval of a Lot Line Adjustment as part of the normal procedure to complete a subdivision conditional preliminary and final approval. The applicant proposes a lot line adjustment involving six (6) properties having frontage along Hartley Road, reducing the number of lots to three lots. All of the properties are in common ownership. The applicant has agreed to offer to dedicate to the Town, the land measuring 25 feet representing 1.07 +/- acres along Hartley Road for highway purposes. Additionally, the Applicant shall offer an easement to the Town over the existing culvert, allowing stream restoration, in a form acceptable to the Town Attorney.

Councilman Newbold made the motion for the Supervisor to sign the aforementioned Lot Line Adjustment agreement as mentioned in the Resolution of Conditional Preliminary & Final Approval. Councilman Cappella seconded the motion.

Upon roll Call Vote:

Supervisor, Douglas Bloomfield AYE
Councilman Louis Cappella AYE
Councilman George Lyons AYE

Councilman Philip Canterino AYE
Councilman Kenneth Newbold AYE

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

Announcement:

Councilman George Lyons has been appointed Liaison to the Assessors Office. Councilman Lyons will meet with John McCarey of Real Property to review his duties.

EXECUTIVE SESSION

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

1. P. D. PERSONNEL ISSUE
2. P. D. CONSULTANT UPDATE
3. CSEA NEGOTIATIONS UPDATE

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

Time: 8:50PM

Priscilla Gersbeck, Deputy Town Clerk