

TOWN OF GOSHEN
TOWN BOARD MEETING

January 24, 2013

MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 24th day of January, 2013 at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

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

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

A. CALL TO ORDER

The meeting was called to order by Supervisor Bloomfield at 7:29 pm, followed by the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

Under Old Business: Item #2 will be combined with Item #1. Also, four items are added to the Executive Session.

C. PRIVILEGE OF THE FLOOR (agenda items only)

None at this time.

D. REPORTS:

Councilman Canterino: The audit of the Police Department has been completed. However, as of this meeting, the results haven't been delivered to the Town.

Councilman Lyons: Reporting for the JRC; the ZUMBA classes are back in session on Tuesdays and Thursdays from 6:30pm to 7:30pm. Also at the Middle School gym is adult open volleyball on Thursday nights from 7:45pm to 10:00pm. The Drama Kids program is held at the Senior Center on Tuesday evenings. Details can be found on the JRC web site www.goshenrecreation.org.

Reporting on the Assessor's Office; Alan Eskew, Assistant Assessor from the County, is overseeing the preliminary appraisals.

Regarding the asbestos abatement, Paul Rodriguez from QUEST will get four different contractors that can do this type of work. They will submit *preliminary* bids on three different ways to handle the asbestos abatement (1) to remove the asbestos only and how many days it would take. (2) To remove the asbestos and then knock down the "clean" remains of the building and how many days it would take (3) to knock down

the entire building with the asbestos as an "entire" unit and the amount of days this would take. The walk through will take place at the end of the month and the findings will be reported to the Board soon there after.

Councilman Newbold: Reported that if there is a chill in the air, the heat exchange route for this portion of the building broke today. The issue is taken care of and the part is on order.

Councilman Cappella: Reminding everyone that when it snows, there are signs in the subdivisions, that vehicles are to be off the streets. Some problems have been reported by the Highway Department. Also, next month Dial-A-Bus will be placing an ad in the local paper promoting the service to attract more riders.

Supervisor Bloomfield: Reported that the CSEA negotiations are near completion. Updating the public: three manholes were completely renovated in Arcadia Hills which we believe will save about 30 gallons of I & I per minute during a wet season. The goal of renovating 5/6 manholes in Hambletonian Park and 5/6 more manholes in Arcadia Hills should greatly decrease the expense of I & I.

E. OLD BUSINESS:

- 1 & 2. REVIEW A PROPOSED ANNUAL CONTRACT WITH THE GOSHEN HUMANE SOCIETY, TO INCLUDE DOG CONTROL SERVICES, AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME. DISCUSS EXCESSING THE DOG CONTROL VAN**

Attorney Caplicki summarized the proposed contract with the Goshen Humane Society. As additional consideration, abandon to the Goshen Humane Society, as surplus property, the 1999 Dodge Caravan automobile for the use in the performance of the duties and responsibilities as set forth in the contract. The following Resolution was voted on.

**TOWN OF GOSHEN
RESOLUTION**

Authorizing the Supervisor to Sign a Contract with the Goshen Humane Society for the Provision of Services to the Town of Goshen

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman Louis Cappella

DATED: January 24, 2013

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 24th day of January, 2013

WHEREAS ,the Goshen Humane Society is legally qualified and able to provide services to the Town of Goshen with respect to dogs and dog control including but not limited to patrol, catch, impound, shelter, custody, care, disposition and related services within the Town of Goshen community, and

WHEREAS, the Town of Goshen wishes to contract with the Goshen Humane Society for the provision of such services; all as set forth in proposed contract annexed hereto as Exhibit A , and

WHEREAS, in connection with said contract and as additional consideration therefore, abandon to the Goshen Humane Society as surplus property vehicle vin number 2B4GP24R6XR301920, 1999 Dodge Caravan automobile, for use in the performance of the duties and responsibilities as set forth in said contract with the understanding and acknowledgement by the Goshen Humane Society that in the event for whatever reason and upon whatever basis should the Goshen Humane Society cease to perform the duties and responsibilities as set forth in said contract, the Town shall have the absolute right to receive a return of the aforementioned Dodge Caravan vehicle should the Town so elect and so notify the Goshen Humane Society,

NOW, BE IT THEREFORE RESOLVED that Supervisor of the Town of Goshen is hereby authorized to sign on behalf of the Town of Goshen the annexed proposed contract with the Goshen Humane Society for the provision of services with respect to dogs

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>		

Resolution carried by a vote of 5 to 0.

3. APPROVE A & L ACRES DEVELOPMENT PROTOCOLS REQUIRED TO FINALIZE THE SUBDIVISION

All of the requirements pertaining to Phase #1 of this project has been completed. Steven Esposito, RLA, presented an overview to the Board. A & L Acres LLC is a cluster plan located on 17A & Houston Road. Conditional final approval for the entire project has been granted by the Planning Board.

The Town of Goshen is in receipt of the following materials from A & L Acres LLC with respect to their development located on Houston Road in the Town of Goshen; an irrevocable offer of dedication for a pedestrian walk or road widening along the northeast side of Houston Road, Deed for the pedestrian walk or road widening, two drainage easements and a Declaration of said Conservation Easements as required for open space.

Councilman Newbold made the motion to the aforementioned documents on behalf of the Town of Goshen and to authorize the Supervisor to sign any and all documents necessary in connection therewith; said documents are in acceptable form, the same having been reviewed and approved by the Attorney for the Town. Councilman Cappella seconded the motion.

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>		

Resolution carried by a vote of 5 to 0.

Attorney Caplicki stated for "house keeping" purposes he is in possession of the following documents: Irrevocable offer of dedication for the proposed road, deed for the proposed road, common driveway maintenance declaration and easement for three lots in Phase 3 and Deed for a lot-line change.

Attorney Caplicki advised that at this time, the Board establish a Performance Bond in connection with the road in respect to Phase 1, should be established.

Councilman Cappella made the motion for the Town of Goshen to establish and accept the Performance Bond with respect to the road servicing Phase I of the A & L Acres LLC development project in the amount of \$231,400 and the applicant to submit the necessary materials to the Attorney for the Town for approval and acceptance. Councilman Lyons seconded the motion.

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>		

Resolution carried by a vote of 5 to 0.

On behalf of the citizens, Supervisor Bloomfield thanked Albert Fini for the needed renovations his men did to the old School House on Route 17A at the request of the Daughters of American Revolution.

4. REVIEW PROPOSED CONTRACT WITH NUGENT AND HAEUSSLER, P.C. TO AUDIT THE GOSHEN DEPARTMENT OF PUBLIC WORKS, AT A COST NOT TO EXCEED \$3,400, AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME

Councilman Lyons made the motion to authorize the Supervisor to sign the contract with Nugent and Haeussler, P.C. to audit the Goshen Department of Public Works, at a cost not to exceed \$3,400. Councilman Canterino seconded the motion.

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

5. CONTINUE DISCUSSIONS REGARDING THE TOWN OF GOSHEN TOW POLICY

There have been a number of discussions regarding the existing Town towing policy. A letter was received today, from Attorney John E. Bach who represents Lambros Adamis. The letter informs the Town Board that Adamis Towing and Recovery has formed two other towing companies. (Letter on file in the Clerk's Office) Currently the towing policies in other Orange County municipalities are being reviewed. Many of them have taken a formal approach to the extent of creating a Local Law involving rates/fees etc. However, other municipalities towing policy does not address the issue that the Town of Goshen is facing; that is: three entities being classified as one, matched with a separate entity.

To summarize comments from the Board Members:

The Town of Goshen is unique, because we have the 911 system and are not capable of a rotation list on an "incident" basis. The Board Members realized that initially the towing policy was to create fairness, which did not happen and has now become rather convoluted. The Towing policy looked to guarantee that a tow truck would be available to do the job professionally at a reasonable cost and the citizens would be served. Complaints of price gouging, was to be addressed. The Board Members asked for more time to read the letter from Attorney Bach before they make a decision.

To summarize comments from the Public:

A set of qualifications should be established for the towing company who wants to be on the list.

The listed tow company should be available within a 20 to 30 minute response time. Being that Goshen has vast boundaries, the quickest response time could come from a tow company in another town.

The option is always there for the owner to request a tow company. When it comes to safety, it's always been that the Officer does have the final say.

Raymond Korycki inquired as to why two tow companies were removed from the list? Answer: Two of the entities were lumped into one entity by the Town Police.

Lambros Adamis brought this up because, when a tow truck is called - a different one shows up. For instance, when it is a Chet day, a Hambletonian truck or K-Team truck will show up instead of a Chet's truck.

Continuation of the Town Tow Policy will be addressed at the next meeting.

6. APPROVAL OF MINUTES:

Councilman Lyons made the motion to approve the work session minutes of January 7, 2013 and the regular meeting of December 13, 2012. Councilman Newbold seconded the motion.

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

F. NEW BUSINESS:

1. ACCEPT RETIREMENT OF MARIE PASCAL, DIAL-A-BUS DRIVER, EFFECTIVE JANUARY 28, 2013

Councilman Cappella made the motion to accept the retirement of Marie Pascal, Dial-A-Bus driver, effective January 28, 2013. Councilman Canterino seconded the motion.

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

G. FINANCE:

Councilman Canterino made the motion to authorize the Supervisor to pay Accounts Payable check run for 01/24/2013 amounting to \$653,056.89. Councilman Lyons seconded the motion.

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

H. PRIVILEGE OF THE FLOOR

There was a lengthy discussion regarding the 2% tax cap. **Gary Wile** wanted clarification as to how the Town budget is at 1.97% and in reality the taxes went up 6.6%. Even though the Town budgeted to spend

less money in 2013 than in 2008 the taxes was the third largest increase in the County. Communication to the public needs to be very specific. By telling the citizens that the Town is under the 2% tax cap and they receive a 6.6% tax hike, is misleading. The Town can only control its own budget. There is *no control* over the numbers added on from the County.

Mr. Wile also discussed the involvement of the County Assessor/employees working in the Town Hall Assessor's Office. He is concerned with "personal touch" and familiarity of assessing properties in Goshen. For the record: Supervisor Bloomfield stated "that when we look at what we've done to control costs we are now down to a point in the years to come, there's no fat in the system and my concern is, as the costs go up if the revenues don't go up with it, we wouldn't be able to meet the 2% tax cap."

Jerry Boss agrees that when the Budget is presented to the citizens, do so with a "dash pending the County taxes". Attorney Caplicki noted that the County is doing what is required by law. The blame is at the State level. Regardless, Mr. Boss suggests a clearer presentation of how the taxes are derived.

Mr. Boss also inquired about the Police Dept. audit. Answer: We are still in litigation with Chief Marsh and the audit is part of it.

On the Towing issue, problems with towing operations have been around since the Model T. It's like an octopus – having many tentacles.

I. EXECUTIVE SESSION:

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

1. Update Status of CSEA Negotiations
2. Update Status of PBA Negotiations
3. Update Status of P.D. Personnel Issue
4. Discuss Negotiations of Potential Property Sale
5. Turi Litigation Status
6. Maplewood Litigation Status
7. Tax Centerior Litigation – Seven Items

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

ADJOURNMENT: 8:55 PM

Priscilla Gersbeck, Deputy Town Clerk