

**TOWN OF GOSHEN**  
**TOWN BOARD MEETING**

JANUARY 23, 2014

MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 23rd day of January, 2014 at the 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

**A. CALL TO ORDER**

The meeting was called to order by Supervisor Bloomfield at 7:31pm, followed by the Pledge of Allegiance.

**B. AMENDMENT TO THE AGENDA**

Item # 8 added as a request from the Fire Dept. asking for support in seeking a FEMA grant.  
Four items were added to the Executive Session: Section 207C, tax certioraris, Lubavitch and Dial-A-Bus.

**C. PRIVILEGE OF THE FLOOR (agenda items only)**

None at this time.

**D. REPORTS:**

**Councilman Canterino:** Waived his report. Items to be discussed will be reserved for the Executive Session.

**Councilman Lyons:** Reporting for the JRC; Zumba Classes and Drama Kids will continue at the Senior Center on Tuesday and Thursday evenings. Information for summer camp will be posted on the JRC website at [www.goshenrecreation.com](http://www.goshenrecreation.com).

Reporting on insurance coverage; Risk Management reviewed the Town Departments, finding no major flaws. The Town will be receiving a completed report of the findings. The Budget Officer along with our IT consultant are in the process of reviewing "cyber insurance" and what it entails. Comp Alliance (Workers Comp) representatives have informed us that the Town is down to four tail-claims. They are doing a great job resolving and monitoring claims. Speaking of great jobs, Supervisor Bloomfield thanked Councilman Lyons for his perseverance and relentless pursuit of finding the best insurance coverage for the Town while keeping the premiums down.

**Councilman Newbold:** Reported that last Wednesday there was a water main break in Arcadia Hills Development. Cooperation between the Highway Dept. and TAM quickly repaired the break in frigid temperatures. He sends out a special thanks to our Highway Dept. for being out all hours of the day/night making the slippery and snow covered roads safe.

**Councilman Cappella:** Reporting for Highway Dept; noted that more salt has been used this year than expected thus far in the season. With less snow, more salt is needed on slippery roads. The extreme weather is responsible for the many potholes. Therefore, the Highway Dept. is reminding the public that when they phone in a complaint about potholes/road conditions, they need to be aware that not all roadways are maintained by the Town. Some are maintained by the County and others by the Village.

Reporting on Dial-A-Bus: because of budget cuts, Chester has decided to reduce services to three days a week: Wednesday, Friday and Saturday, beginning January 22, 2014. However, the Goshen Dial-A-Bus service will remain the same: Monday - Saturday.

**Supervisor Bloomfield:** Adding to Councilman Cappella's report, he has been communicating with the new Town of Chester Supervisor, Alexander Jamieson, regarding Dial-A-Bus services. Providing Chester with this service for 30+ years the new agreed cost of the three day per week service is \$25,000. We are hoping this agreement will continue into the future.

Supervisor Bloomfield and the Board met with the owners of Amy's Kitchen. This is a proposed family owned, organic food processing plant to be located in the Town of Goshen. [Continued: Old Business-JEDI Update]

## **E. OLD BUSINESS:**

### **1. JEDI UPDATE:**

#### **1: PRESENTATION TO ORANGE COUNTY IDA 1/15/2014**

As previously stated, a meeting with the owners of Amy's Kitchen: Andy & Rachel Berliner was hosted by the Orange County Partnership of NY. This is in conjunction with the contributing efforts of JEDI. JEDI (Joint Economic Development Initiative) has been pro-active in seeking new businesses to come to Goshen. Amy's Kitchen is planning to build a 350,000 to 500,000 square foot plant on 225 acres located off of Route 17M in Goshen. The organic/natural food processing plant proposes to employ 681 people. This \$95 million project is seeking tax breaks through the Orange County IDA.

#### **2: APPLICATION TO GOSHEN PLANNING BOARD 2/6/2014**

All of the land use boards along with the press are invited to attend this informational meeting on February 6, 2014 at 7:30pm.

#### **3. IDA PUBLIC HEARING**

The date has been set for the IDA Public Hearing to be held on February 10th, 2014 at 10:00am in the Goshen Town Hall.

### **2. REVIEW ADC MAPLEWOOD DEVELOPMENT AGREEMENT AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME**

Attorney Caplicki presented the final draft agreement to the Board Members. All of the comments and modifications have been incorporated in this draft. The necessary changes have been made along the planning stages. When all of the involved parties review this draft the Town will sign the agreement.

**3. DISCUSS AND APPROVE AL TURI LANDFILL TAX CERTIORARI STIPULATION**

This certiorari has been resolved and settled. We are waiting for the petitioners to submit the proper court order. All parties will be back in court on March 14th. As a result of this certiorari taking so long to complete, we are requesting some sort of time line for completing future settlements.

**4. REVIEW PROPOSED LOCAL LAW 1 OF 2014 REGARDING SPACING OF DRIVEWAY DECORATIVE PILLERS AND SET A PUBLIC HEARING DATE**

It has come to our attention that certain driveways have pillars/gates/mailboxes and similar structures too close to the entrance. Emergency access vehicles (ex: fire trucks, ambulances) need a minimum unobstructed clearance of not less than 13 feet 6 inches. Building Inspector, Neal Halloran, addressed the Board reviewing the proposed Local Law. He stated that a distinction should be made as to the type of driveways referenced. A structure near the street can be accessed from the street. Whereas, structures located in a lengthy driveway need a wide turning radius for unobstructed access. Entrance construction of various accoutrement dimensions/placement will need approval from the Building Inspector.

Councilman Cappella made the motion to set the Public Hearing on Chapter 82A, Real Property Accoutrement Structures for February 10th, 2014 at 7:30pm or soon thereafter, at 41 Webster Ave., Goshen Town Hall. Councilman Lyons seconded the motion.

Discussion: Owners of pre-existing accoutrements that are in questionable violation should be notified by the Fire Department. A verbal warning that the narrow access could become a hindrance in an emergency, should be given.

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

**5. DISCUSS CHESTER TOWN BOARD RESPONSE TO PROPOSED CHANGES IN SERVICE FOR CHESTER SERVICE RESULTING FROM REDUCED FUNDING BY CHESTER**

Supervisor Bloomfield referenced a letter received from the Chester Town Supervisor, Alex Jamieson. "In response to your letter dated January 10, 2014, and in furtherance of our telephone conversation this is to confirm our agreement to proceed with services on a three day a week basis." Again, Chester has agreed to service on Wednesday, Friday and Saturday, whereas Goshen's service will remain the same, Monday thru Saturday.

**6. DISCUSS AND APPROVE A CHANGE ORDER #1 TO REDUCE HARTLEY ROAD CULVERT REPLACEMENT CONTRACT BY \$14,476.09. ALSO DISCUSS AND APPROVE PARTIAL PAYMENT TO SULLIVAN COUNTY PAVING & CONSTRUCTION, INC. FOR NET AMOUNT OF \$125,852.51.**

Supervisor Bloomfield referenced letters from Riddick Associates, P.C. which essentially states that the Hartley Road culvert replacement was completed for \$14,476.09 less than originally estimated. Therefore, the attached voucher to Sullivan Co. Paving for \$125,852.51 reflects the adjustment.

Councilman Lyons made the motion to approve Change Order #1 regarding the Hartley Road culvert replacement. Councilman Canterino seconded the motion.

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

**7. APPROVAL OF MINUTES:**

Councilman Lyons made the motion to approve the minutes of combined work session and regular meetings of 11/14, 11/25, and 12/19 of 2013, and the work session of 12/09 and the regular meeting of 12/12/2013. 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. DISCUSS AND APPROVE APPOINTMENT OF EMILY COLLADO TO THE GOSHEN BOARD OF ASSESSMENT REVIEW**

Councilman Canterino made the motion to appoint Emily Collado to the Board of Assessment Review for the remainder of the current term ending 09/30/2018. Councilman Lyons seconded the motion.

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

**2. DISCUSS AND APPROVE APPOINTMENT OF DAWN GESUALDO TO THE GOSHEN BOARD OF ASSESSMENT REVIEW**

Councilman Canterino made the motion to appoint Dawn Gesualdo to the Board of Assessment Review for the remainder of the current term ending 09/30/2018. Councilman Lyons seconded the motion.

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

**3. DISCUSS NEED TO INCREASE THE FEE FOR BLASTING AND JUNK YARD PERMITS AND DEVELOP A PATH FORWARD**

State regulations have been changed regarding the issuance of Blasting/Explosives Permits. The Town of Goshen has not updated its' blasting/explosive code since 1987. There have been permits requested with the surge of new construction. In order to conform to the new regulations and update our explosives permit process, the Clerk's office has been assigned to survey the codes and fee schedules of other towns.

The Town of Goshen currently has one junk yard on record. The location is subject to inspection, as needed, to make sure it is in conformance with all provisions of the Code including all applicable zone regulations. The permit process and annual fee of \$25.00 will be reviewed and updated.

4. **DISCUSS AND AUTHORIZE THE SUPERVISOR TO SIGN A CONTRACT WITH NUGENT & HAEUSSLER, P.C. TO PROVIDE AN ANNUAL AUDIT FOR THE YEAR ENDING DECEMBER 31, 2013. THE COST REMAINS THE SAME (\$23,000) AS THE 2012 AUDIT.**

Councilman Lyons made the motion to authorize the Supervisor to sign a contract with Nugent & Haeussler, P. C. amounting to \$23,000 for the annual audit ending December 31, 2013. Councilman Newbold seconded the motion.

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

5. **INFORMATION: THE STATE OF NEW YORK PUBLIC SERVICE COMMISSION HAS GIVEN APPROVAL TO ORANGE AND ROCKLAND UTILITIES, INC. TO TRANSFER TWO PARCELS MEASURING .22 ACRES AND .647 ACRES, RESPECTIVELY, AND A CONSERVATION EASEMENT OF 28.74 ACRES TO THE TOWN OF GOSHEN AT THE HARTLEY ROAD AND CHEECHUNK ROAD SITE.**

As stated, for information only.

6. **INFORMATION: THE GOSHEN COURT CONTRIBUTED \$288,947.00 OR \$23,927 MORE THAN FORECAST FOR THE FISCAL YEAR OF 2013.**

As stated, for information. Councilman Newbold commented as to the high volume of people our Judges efficiently deal with on court days. The Board unanimously agreed that the staff in the Court Dept. do an *excellent* job in handling the legalities of day-to-day transactions, concerns and complaints.

7. **REVIEW AND APPROVE RESOLUTION TO HIRE BURKE, MIELE AND GOLDEN TO REPRESENT THE TOWN OF GOSHEN IN PBA NEGOTIATIONS AND THE DENNIS MARSH LITIGATION**

This will centralize all legal aspects in dealing with the Police Department into one law firm. Currently, we are using two law firms, sometimes three. The following resolution was discussed and approved.

**TOWN OF GOSHEN  
RESOLUTION**

**Designation and Hiring of Richard B. Golden Esq./ Burke, Miele, Golden, LLP as Special Counsel to Represent the Town of Goshen With Respect to Police Contract Negotiations and Marsh v. Town of Goshen Litigation; Index No. 9338/2012**

**INTRODUCED BY: Councilman Philip Canterino  
SECONDED BY: Councilman Kenneth Newbold  
DATED: January 23, 2014**

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 23rd day of January, 2014

WHEREAS, the Town of Goshen has and /or is about to enter into contract negotiations with the Town of Goshen Police Benevolent Association with respect to a Town police employment contract for the period January 1, 2013 and following; and

WHEREAS, that the Town of Goshen needs to hire/retain special counsel to represent the Town of Goshen with respect to said contract negotiations and attendant proceedings, and

WHEREAS, separately and apart, litigation has been initiated against the Town of Goshen by Dennis Marsh in the Supreme Court of the State of New York under Index No. 9338/12; and

WHEREAS, the Town of Goshen needs to hire/retain special counsel to represent the Town of Goshen in said litigation and attendant proceedings;

NOW, BE IT THEREFORE RESOLVED that the Town of Goshen, does hereby hire/ retain, effective immediately, Richard B. Golden Esq./ Burke, Miele, Golden LLP at regular prescribed municipal hourly rates as special counsel to represent the Town of Goshen with respect to police contract negotiations and attendant proceedings concerning a Town police employment contract for the period January 1, 2013 and following and defense work with respect to specific litigation; Marsh v. Town of Goshen, Index No. 9338/12.

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.*

**8. REQUEST FOR A LETTER OF SUPPORT ON BEHALF OF THE GOSHEN FIRE DISTRICT FOR THE FEMA AFG APPLICATION**

Randy Ring has requested a letter of support on behalf of the Goshen Fire District for the FEMA AFG application. This is for a \$65,010 grant for a Compressor/fill Station to fill the District's SCBA tanks. The new unit will replace the 27 year old unit which is unreliable and takes an inordinate amount of time to fill cylinders to the required 4500 psi.

Councilman Cappella made the motion to write a letter of support on behalf of the Goshen Fire District for the FEMA AFG application. 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 check run of 01/09/2014 to 01/23/2014 amounting to \$921,880.00. Councilman Lyons seconded the motion.

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

**H. PRIVILEGE OF THE FLOOR**

**John Gaine**, Brookside Drive, along with other neighbors addressed the Board. He inquired about the petition that the JRC has submitted to the Town over lighting at Craigville Park. Supervisor Bloomfield assured him that the town hasn't done anything yet.

Councilman Lyons clarified the project stating that "nothing has changed since the last JRC meeting".

The bid process for the electrical work has not begun and the engineers have done nothing with the RFP. His concerns are about the extended noise pollution, late evening lighting and the effect this will have on the value of his property and of his neighbors properties on Brookside Drive. He feels that the Town needs more athletic fields. He asked for the Town's position on this.

Supervisor Bloomfield noted that we need to have more information. There will be public hearings for the JRC to explain their position, for residents to voice their concerns, and for the Village input also for the engineers input along with a economic evaluation of the entire proposed project.

Councilman Canterino feels that we need more recreational space. The current fields are stressed enough without evening activities. "Dawn to dusk is quiet sufficient". The JRC should budget for more playing fields to purchase/lease.

"We are not against Goshen Soccer or youth sports. Believe me we are not here for that." stated John Gaine. He wonders what it will do to the residents and property values on Brookside Drive when the lights are on late (10:00/11:00) at night.

The Town needs to look for alternate space to preserve what is at Craigville Park and to accommodate the anticipated volume of recreational activities.

"When doing a project like this, you got to look at *all aspects* of the project, not just the lights." stated Supervisor Bloomfield.

Mr. Gaine was advised to also go to the Village Board so they will understand his concerns.

**I. EXECUTIVE SESSION:**

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

1. AMY'S KITCHEN - PERMIT/ESCROWS
2. PBA/TOWN/OFFICER GRIEVANCE ARBITRATION

3. PBA NEGOTIATIONS
4. MARSH LITIGATION
5. P.D. PERSONNEL: 207C INJURY
6. DISCUSS STATUS OF TAX CERTIORARIES
7. STATUS UPDATE LUBAVITCH
8. DIAL-A-BUS LITIGATION

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

**ADJOURNMENT:** 9:00 PM

A handwritten signature in cursive script, reading "Priscilla Gersbeck", is written above a horizontal line.

Priscilla Gersbeck, Deputy Town Clerk