

TOWN OF GOSHEN
TOWN BOARD MEETING
January 26, 2012

MINUTES

A Regular Meeting of the Town Board of the Town of Goshen was held on the 26th day of January, 2012 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
	Kenneth Newbold	Councilman
	George Lyons	Councilman

Also Present:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

A. CALL TO ORDER

Supervisor Bloomfield opened the meeting at 7:35 p.m. and asked Melissa Gallo to lead the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA: None

C. REPORTS:

COUNCILMAN CAPPELLA reported that on the evening of January 17th, the Senior Center lost it's power, it was discovered Wednesday morning. He said he and Councilman Newbold met the electrician, and found it was a major problem. He said they found out that it was the main line that comes out of the back of the building, which actually is on the Suresky property, was cut at the base. Since our electrician does not handle this, County Wide was called. They could not fix it right away, but secured the building, and installed a generator so that there would be some heat so that pipes did not freeze, etc. as the temperature was dropping to about 12 degrees that evening. The next day they came, and working with Orange & Rockland restored the power.

Councilman Cappella reported the rentals at the Senior Center have been up this year, and everything else is running smoothly.

He also reported that Highway has been happy that they are dealing with rain instead of snow, and it is saving on the use of salt and sand. He said they had a DEC inspection last week, and they did a full inspection of the facilities, including the gas tanks, the oil that is stored in dispensers inside, etc. He said we passed with flying colors, and we will not be inspected again for two to three years.

Supervisor Bloomfield said that a few years ago we had an inspection, and we were given a few violations, and he and Councilman Cappella and the Attorney had to go to Albany to appear before a Judge. When they arrived before the Judge, they were told there would be a \$15,000 in fines for breaking the law. The Supervisor asked for a minute of the Judge's time, and he told the Judge that the Town of Goshen works hard to obey the laws. The Supervisor told the Judge about the MTBT contamination of the Highway Department. He explained how the DEC came down and asked that all kinds of things had to be done. He said we did all the things they asked. The Judge

excused himself, and went to talk to the gentlemen the Supervisor had told them about. When he returned he said the Town would have to pay \$1,500.00.

The Supervisor congratulated the Highway Department for doing things well. Councilman Cappella stated he would like to congratulate Michelle and Frank for keeping such good records.

COUNCILMAN NEWBOLD reported that he has been working with Broderick Knoell and Sean Hoffman, engineer, on some concerns the County has on the backup well in Stone Hedge. He said on Monday he, Attorney Caplicki, and the Supervisor met with Mayor Roddey, the Village Attorney, and the Village Treasurer to discuss the forthcoming sewer bill for Hambletonian Park and Arcadia Hills as per this new IMA. He said we are discussing the issues before they become an issue.

COUNCILMAN GEORGE LYONS reported Joint Recreation is currently offering the Zumba Classes, Drama Kids and Adult Volleyball are all running smoothly. He reported that the JRC is currently accepting applications for the summer camp, Director, Health Director, Arts & Crafts Councilor and regular Councilors. He said applications for these positions are available on the web site, which is goshenrecreation.org.

Councilman Lyons also reported that David Donovan, Attorney for the Village, has a copy of the RFP, (Request for Proposals) for the demolition of the Salesian school building. He said neither municipality has the money right now, however it can be useful in the future.

COUNCILMAN CANTERINO reported that recently there have been many headlines about the crime wave in Goshen. He said some of the vandals have been caught, the police know some others, but are waiting to apprehend them properly. He said "we have instructed our Police Department to make sure there is a presence, especially in our subdivisions, where a lot of these incidents are taking place." "We said we want you to pull out all stops and sure enough, as you may have read recently, they apprehended four young adults at 2:30 in the morning in Hambletonian Park." He said they had baseball bats, and they were damaging mailboxes, etc.

Councilman Canterino said he would like to recognize the officers that were there, Officer Lupinski and Officer Thomas. He said when something good is done, it should be recognized, we appreciate it.

Councilman Canterino said the Board has received correspondence and phone calls that insinuate, due to budget cuts, we have reduced the Police Department and patrols, etc. He said "It is just not true." He said he would like to set the record straight. He explained the difficult budget constraints the Board faced this year, such as the 2% tax cap. Councilman Canterino reported that no patrols were cut, not laid off any Police Officers, no shifts have been removed. "You have the exact same service that you had before." He said the only agency in this Town that will get a raise in 2012 will be our Police Department. He said we do recognize our Police Department, and we try to be as accommodating, and try to keep our force up to peak. He said the Board is now in the process of getting a new Police Chief, as Sergeant Faust is now our senior officer, and is doing most of the administrative work, and management work. He said he wanted to assure the community that there has not been any reduction in services, and whoever is spreading that rumor is absolutely wrong and doesn't understand what is going on.

SUPERVISOR BLOOMFIELD reported also that he and Councilman Newbold and our attorney attended a meeting with the Mayor, their treasurer and the Village Attorney. He said they presented them with the bill for 2011 for Hambletonian Park and Arcadia Hills. He said it looked like they did a good job, as per the IMA (Intermunicipal Agreement). He said it had the 24% reduction, and the ongoing costs, ect. The Supervisor stated he gave it to the Town's Accountant for review to be sure it met all codes, and to our Budget Officer.

Supervisor Bloomfield said he will be meeting with the Water Sewer Districts sometime in March or April. At that time he will be talking about the fact that due to the wettest year, in one hundred years, the amount of water, in Hambletonian Park and Arcadia, that was sent to the Village Sewer Plant was incredible. He said the I & I (inflow and infiltration) for Hambletonian Park was almost 60%, and in Arcadia Hills it was 40%.

The Supervisor said the good news is that the things that have been put in place with this arbitration with the village, is going to bring long term lasting results to the subdivisions. He said you are paying for 24% less of the cost of building the plant then you did before. Also he said between the two subdivisions you are paying \$25,000, of the \$250,000 they said we owed for 2008, 2009, and 2010. He said "it was a worthwhile thing for us to do." The Supervisor stated that the IMA for going forward is very well defined in regard to what the Village can and cannot charge, and also is very auditable agreement. He said that you will not have to pay a penny of the cost of removing the dirt pile that had to be removed at the cost of approximately ten million dollars.

The Supervisor said he has been seeing an up tick in the Planning Board activities. He said last week the Board attended a Joint meeting with the Planning Board, and there are three businesses who want to bring their businesses here. He said one of them is Orange & Rockland, who is building a substation, and will result in an eighteen million dollar investment, a nice tax ratable. The second is a bus garage, a business that is booming, and the third one is the expansion of the Goshen Sports Center. He said also there is a lot of home building going on in the area, and many of them are already sold. The Supervisor stated "this is good news for us." He said the subdivisions are coming back to the Planning Board.

He said for Hambletonian Park, the expansion of the Water/Sewer district, which will add seventy five homes, being built by New York Farms, will benefit them as they will be receiving cash to help with the I & I problems. They will also benefit from the new homes sharing in the cost of the Water/ Sewer District.

The Supervisor stated that the Joint Economic Development Team is still meeting once a month, the priority still being a grocery store, among other things.

E. OLD BUSINESS: NONE

F. NEW BUSINESS:

1. DISCUSS THE REQUIREMENTS OF THE NEW NYS OPEN MEETING LAW: Supervisor Bloomfield explained this is a new law that basically says that as soon as the agenda is decided upon, it will be posted on the web, so that the public can decide if they are interested and want to attend the meeting. He said also items that the Board will have in their packets will be available, as much as possible, for the public to review. He also explained it applies to all the Boards in the municipality, such as the Planning Board, etc. The Supervisor reviewed the new law in it's entirety, and explained that there is a caveat in this law that states "This new subdivision requires that certain records, which are scheduled to be the subject of discussion by a public body during an open meeting, shall be made available, upon request therefore, **"to the extent practicable as determined by the agency or department, prior to or at the meeting."** He said many times items will arrive late in the day that are important to address, and it may be impossible to get it on the web. He said "it is a good thing". The Supervisor stated that we have always had an additional folder made for the press or anyone to see prior to the meeting, however they had to come to the meeting to review it.

G. FINANCE: Councilman Canterino made the Motion to authorize the Supervisor to pay Accounts Payable Check run of 01/26/12 amounting to \$747,999.74. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

H. PRIVILEGE OF THE FLOOR:

Jerry Boss asked about the status of the scoreboard that is meant for Craigville Park? Supervisor Bloomfield replied that it has gone before the Building Inspector, who met with the contractor that is going to put it up. He said it does not meet Code, it is larger than what our Code specifies, so it will have to go to the ZBA for a variance. Mr. Boss said he understood there were two more signs that JRC wanted to put up. The Supervisor replied that perhaps this would be discussed before The ZBA.

Mr. Boss asked if the Board was going to reimburse the JRC for the cost of the sign. The Supervisor replied no.

Joel Markowitz stated he had a problem with advertising being done on publicly funded property. He objected to Little League using public property to advertise. He said he would wish the Board to take a stand on the advertising.

Supervisor Bloomfield said this is something the Town Board, JRC and the Village need to sit down and discuss. He said there is a Pepsi sign that has been there forever, and some other signs as well. We really need to make it clear what people can and cannot do.

Councilman Canterino stated that he has the same problem as you Joel, "I have a real problem allowing any type of advertising on municipal land." He said if he were looking for a home to buy, he would not want to look out his window at all those signs. He said he had a problem with them calling it a donation, because anything that has advertising on it is not a donation. He said this is not allowed in our Code. He said this has nothing to do with Little League, or anyone else, he is abiding by what is in our Code.

A lengthy exchange of differing opinions followed.

Joel Markowitz suggested it would be beneficial to the community if there was an area on the web site where items could be left on for a period of time. He also suggested, with the new law in effect, that the Planning Board provide the site plan to the web in whatever form would allow it, and as the plan changes that could be posted too.

The Supervisor replied that he would speak to the Planning Board about this.

Mr. Markowitz suggested the Town post on their Minutes Page, a link to the goshennewyork.info site with a small caption line saying videos of most meetings are available on goshennewyork.info, this is an external link that we are not responsible for.

Supervisor Bloomfield told Mr. Markowitz to work with the Town Clerk's Office, and the attorney will draw up the "not responsible language" that will be used.

Gary Wiley asked what roads would be paved this year. Supervisor Bloomfield said he did not know at this time, however the Highway Superintendent would be making plans soon. Mr. Wiley asked if the Supervisor knew what road would be first. The Supervisor suggested he call Broderick Knoell, the Highway Superintendent and inquire as to what roads will be done.

Melissa Gallo said 18 months ago we had talked about withholding the monies from the Village because we felt they were billing us incorrectly. She said at that time you said in preparation of our possibly losing the case, each household would be paying a surcharge so that the money would be there in the event we should need it. She asked what became of this money. Supervisor Bloomfield said the Town collected two or three quarters with the surcharge on them, it was supposed to be for two years. Some money was collected, but Arbitration cost was approximately \$60,000. In Hambletonian Park we had a catastrophic failure of one of your two pumps. He said both the Highway Superintendent, a mechanical engineer and our civil engineer agreed these pumps, which were 50 years old, had to be replaced. He said the cost of this was \$30,000, and your I & I went up 60%. The Supervisor said he and Councilman Canterino went to talk with the Budget Officer, and we are now hoping that after we collect from this bill coming up, we will have enough to pay your bill. He said Arcadia Hills will have enough, but Hambletonian Park may not.

Ms. Gallo asked the status of New York Farms? The Supervisor said there are things they have to do that were requested by the Board, and they are in the process of putting all of those in place. He said they are coming back soon to tell the Board of their progress. He said there should be some construction started this spring.

Ken Wooly said the Supervisor was talking earlier about an increase in building and asked if our resources could handle this growth? Supervisor Bloomfield replied there should be no problem with resources for the Orange & Rockland substation or the bus garage or the Sport Complex. He said the Village has excess capacity in their sewer plant, they appear to be having a problem getting the flow into the plant. He said they are spending money to put in the lines to put a larger pipe into the plant to try to stop their I & I. They will be able to handle the sewer when New York Farms joins Hambletonian Park. New York Farms has a lot of water and will be using your tank, but they are giving money so that if need be your tank can be repaired if needed, or put in a new tank.

The Supervisor explained all the advantages Hambletonian Park will have when the expansion is completed. Councilman Cappella explained that Hambletonian Park will have more water than they have ever had with the water coming from New York Farms. Supervisor Bloomfield said there is another subdivision that would like to join in the loop also, and they have a large supply of water.

Howard Unger asked if there had been any thought or action to combining services between the Town and the Village in regard to the Police Department, DPW, etc. to lower the tax burden?

The Supervisor said when he and Councilman Canterino got the 2% tax cap, they went to the Department of State, to Annie Rabbit's office, and to Senator Larkin's office, we did our home work to try find out what can and cannot be done. He said we are the higher form of government, the Village the lower, they would have to merge into our form of government. Mr. Unger said he felt Governor Cuomo would look favorably on a merger. Supervisor Bloomfield said the Village is in the midst of drawing up their budget, and he feels that they will be feeling the pressures, and be looking for a way to cut expenses too.

Supervisor Bloomfield reported he had spoken to the Village Mayor of Chester, and found that they have been working on some consolidations for a couple of years. He said they plan to put it on a referendum, and let the public decide. There was a brief discussion of various places that have done it to some degree, and the fact that it may not always save money.

Some people did not use the mike and parts of the tape were inaudible.

John Gallo thanked the Board for the extra patrols through their neighborhood due to the problems they have had. He said when it was said that the Board did not cut any services in the Police Department, were there any clerical positions cut? Councilman Canterino replied they reduced back

to part time the secretary position, and we reduced the Police Chief's position to part time. He said the secretary works close with the Chief. Mr. Gallo said if you reduce the clerical staff, does that not mean that the Police Officers, that are supposed to be on patrol, do end up spending more time doing clerical work. Both the Supervisor and Councilman Canterino stated no. Councilman Canterino said that 911 goes out to the first responder which could be the Sheriff, the State Police or any other Police agency. Mr. Grasso stated that there is more clerical work than that. Councilman Canterino said some of the clerical work is being brought over to Town Hall. " We have worked through this whole process, only because we want to make the Police strong and whole."

Mr. Grasso thanked the Board for all the hard work they did on the arbitration and the sewers. Mr. Grasso stated that "we pay for all the infiltration that goes through the meter". The Supervisor replied yes. Mr. Grasso said the Village does not. He said the Village gets metered differently than us, they get billed on the water going into the house, they don't get metered for the infiltration as we do. He stated that we are paying for their infiltration.

Supervisor Bloomfield explained how the Village residents pay. He said they are billed on the amount of water going into their homes, they divvy up the 85% cost of running that plant. He said we use the water going into your home to divvy up the 15% of the cost of that plant. He went on to explain the system at length.

Dan Matteo said that on behalf of the residents of Hambletonian Park he wanted to thank the Board for all the work they did on the arbitration. He also thanked Attorney Caplicki for the long hours he put in, and also Councilmen Newbold and Cappella who were negotiators.

With no further questions or comments Councilman Newbold made a Motion to go into Executive Session to discuss:

1. CSEA negotiation Status Update
2. Al Turi Litigation Status Update
3. Tax Certiorari Status Update

with intent not to return. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Time: 8:49 p.m.

VALMA EISMA, TOWN CLERK