

**TOWN OF GOSHEN**  
**PUBLIC HEARING & TOWN BOARD MEETING**  
February 27, 2014  
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 27th day of February, 2014 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  
George Lyons Councilman  
Kenneth Newbold Councilman

Absent Philip Canterino 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 7:31 pm, followed by the Pledge of Allegiance.

**B. AMENDMENT TO THE AGENDA**

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

Supervisor Bloomfield greeted visitors from Boy Scout Troop #62.

**D. PUBLIC HEARING:**

**LOCAL LAW #1 OF 2014 - "CHAPTER 82A, REAL PROPERTY ACCOUTREMENT STRUCTURES"**

Councilman Newbold made the motion to open the public hearing on Local Law # 1 of 2014 – Chapter 82A, Real Property Accoutrement Structures. Councilman Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Cappella, Lyons, Newbold  
0 NAYS

This Local Law [on file in the Clerk's Office] pertains to the erection, installation, construction, or placement of all pillars, gates, mailboxes, and similar materials and structures within 10 feet of the edge of the pavement from a town, county, or state road, or a used driveway within the Town of Goshen.

There are several steps in obtaining the permit: (1) an application is submitted to the Building Inspector (2) The permit is reviewed for compliance (3) A fee is collected to issue the permit and (4) An inspection determines the issuance of a certificate of compliance.

Comments from the public:

Representatives from the Goshen Fire District, Chief Elmer Budd, Chairman Al Turi Jr. and Commissioner Richard Mendres were in attendance uniting in support of this Local Law.

Al Turi Jr. stated that they were involved in drawing up this code along with Commissioner Tom Frey who is unable to attend tonight. There have been incidents in Town where calls have come in where the chief's car could reach the location, but not the fire trucks. This prompted the request to establish a uniformed Local Law. Some of the homes are reachable by stretching the hose from curb side. However, there are those homes with lengthy driveways which require a truck to enter. The way in which a truck can expedite putting out a fire affects the health and safety of the occupants and structural damage.

Robert Smith inquired if the insurance company would cover damages if the accoutrement was in violation? Answer: It depends on the home owner's insurance company, coverage *could be* in jeopardy. This Law is going forward. The accoutrements in existence are grandfathered in.

Councilman Cappella suggested that when either the building inspector and/or firemen see a home with an existing accoutrement violation, to inform them that if an emergency was to occur, our fire trucks may not get in.

(With no further comments)

Councilman Cappella motioned to close the public hearing for Local Law #1 of 2014. Councilman Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Cappella, Lyons, Newbold  
0 NAYS

Discussion:

Councilman Lyons questioned who sets the fees to cover the cost of issuing the permit, supervision and inspection of the operation done in connection with the permit? Answer: the Building inspector sets the fee schedule.

Councilman Cappella made the motion to adopt Local Law #1 of 2014 - Chapter 82A Real Property Accoutrement Structures. Councilman Newbold seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilman Philip Canterino	<u>ABSENT</u>
Councilman Louis Cappella	<u>AYE</u>	Councilman Kenneth Newbold	<u>AYE</u>
Councilman George Lyons	<u>AYE</u>		

Motion Passed 4 to 0

**E. REPORTS:**

**Councilman Cappella:** Reporting for highway, stated that all the municipalities in the state are low on salt. The Town just received four truck loads this week. Hopefully this will be enough to the end of the season.

Reporting for the Senior Center; the front sign which was knocked down and accidently destroyed will be replaced at full value by the person's insurance company. Also, there will be a bid process to contract for interior painting. There are several community rooms in the Center that have not been painted in 13 years. It will be good to see them refreshed and updated.

**Councilman Newbold:** On Monday night the water & sewer year-end-results were presented. Even though the results were good, we will continue to work on improving the I & I to lower the figures more. Many thanks to the Highway Dept. for the great job they did plowing during the Valentine's Day snow storm. He will ask Assemblyman James Skoufis for a \$50,000 grant to offset the cost to repair the cupola on top of the Town Hall.

**Councilman Lyons:** The JRC drama kids program continues at the Senior Center on Tuesday evenings. The spring session of Zumba classes begins on March 25<sup>th</sup> at the C J Hooker Middle School. For more information call the Park & Recreation Office at 294-1558. Weather permitting, all of the parks are open, except for Lyons Park. The restrooms are closed until spring. Reporting on insurance: he attended a seminar on 207C which is for the police officers workmen's comp. A representative from Comp Alliance will be at the Town Hall on March 5<sup>th</sup> to schedule required OSHA/PESH safety courses.

**Supervisor Bloomfield:** In referencing several people who have fallen – he reminded the public that falls are one of the leading causes of death and to be extra cautious when walking on snow / ice covered pavement. On another note; the Town had excellent reviews from the recent auditors, Nugent & Haeussler, P. C. Our Budget Officer along with the Department Heads have maintained close monitoring of expenditures significantly reducing the debt.

**F. OLD BUSINESS:**

**1. ADC MAPLEWOOD DEVELOPERS AGREEMENT STATUS UPDATE**

Attorney Caplicki believes that by next week the engineer's modifications will be ready for review.

**2. APPROVAL OF MINUTES:**

Councilman Newbold made the motion to approve the reorganization minutes of 1/6/2014 and the regular meetings of 1/9/2014 and 1/23/2014. Councilman Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Cappella, Lyons, Newbold  
0 NAYS

**G. NEW BUSINESS:**

**1. DISCUSS SHADE/BRANCOVEANU, INC. TAX CERTIORARI**

Attorney Caplicki explained that the settlement resolution was adopted last year. However, the numerical numbers were found to be in error. A corrected resolution with the proper numbers are currently under review by the Assessor. There are many legal principles involved and once an agreement is reached a new resolution will be presented.

Councilman Newbold made the motion to withdraw the resolution titled "Settling of Tax Certiorari Claim; Shade/Brancoveanu, Inc. Section 18 Block 1 Lot 33", dated December 19, 2013. Councilman Cappella seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Cappella, Lyons, Newbold  
0 NAYS

**2. DISCUSS REQUEST TO MODIFY WATER BILL DUE TO WATER SOFTENER LEAK**

Supervisor Bloomfield reviewed a letter received from a homeowner in Stone Hedge Development. Apparently there was a leak in his water softener causing his water bill to be extremely high. He is asking for consideration in lowering this bill to his normal usage rate. The Board Members discussed this matter and were in agreement to deny the request. The reason for the denial is that in a subdivision each home owner is responsible for their consumption. It would *not be fair* to pass along the difference to other home owners in that district.

**3. DISCUSS REQUEST OF BUDGET OFFICER TO CLOSE SPECIFIED CAPITAL FUND ACCOUNTS**

The Budget Officer has requested approval to close two capital fund accounts and one bank account.

**TOWN OF GOSHEN  
RESOLUTION**

**Authorization To Close Two (2) Municipal Capital Fund Accounts, One (1) Municipal Bank Account**

INTRODUCED BY: Councilman George Lyons  
SECONDED BY: Councilman Louis Cappella

DATED: February 27, 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 27th day of February, 2014

WHEREAS, the Town of Goshen has as part of its financial records and municipal accounts has and maintains two (2) municipal capital accounts entitled HC Fund (Craigville Park Block Grant 2003) and HA Fund (old Capital Equipment Purchase) and one (1) municipal bank account entitled HA Fund, and

WHEREAS, the aforementioned accounts are no longer utilized by the municipality,

NOW, BE IT THEREFORE RESOLVED that the Budget Officer of the Town of Goshen is authorized on behalf of the Town of Goshen to close the aforementioned account(s), sign any and all documents necessary and take such other actions and procedures so as to effectuate the terms hereof.

Discussion:

Question: Is there any money in these accounts? Answer: One account has minimal amount to be transferred. The others are empty.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, Philip Canterino	<u>ABSENT</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 4 to 0*

#### **H. FINANCE:**

Councilman Newbold made the motion to authorize the Supervisor to pay Manual A/P runs #1 of 01/29/2014 amounting to \$37,645.66 and Manual A/P runs #2 of 01/29/2014 amounting to \$9,425.23 and accounts payable Check Run for 12/31/2013 through 02/13/2014 amounting to \$381,029.41 and accounts payable Check Run for 02/27/2014 amounting to \$317,269.72. Councilman Lyons seconded the motion

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Cappella, Lyons, Newbold  
0 NAYS

#### **I. PRIVILEGE OF THE FLOOR**

Joe Green inquired if the Conservation Easement regarding the Persoon property listed under open space has been finalized? Answer: Yes – the Easement is completed. It is subject to our local zoning not under Agriculture & Markets. There was some discussion as to the removal of trees on

this parcel for agricultural production. The request would have to be presented to the Board. The final recording document of the Conservation Easement will be prepared by Attorney Donnelly. This is coordinated with the Attorney Caplicki.

**Robert Smith:** Discussed topics that were brought up at the last JRC meeting. He wanted to know how the Salesian Park was classified as "passive". Councilman Lyons addressed the inquiry. Basically, years ago the majority of the public wanted this park to be passive and to be developed in phases. One phase was for a poet's walk with others to follow. Due to the economy, the other phases have not been addressed. However, there is an area in the back that can possibly be developed. It would be expensive to prepare that area for an athletic field. In order to change Salesian Park from a passive to active, a joint action of a majority vote would have to be taken by the Town and Village Boards. In the meantime, the Town has been pro-active in trying to find locations to develop an active park.

There was also discussion over the procedure for obtaining bids and approval for electrical service at Craigville Park. The JRC coordinates all of the activity for a project. The Town and Village Boards have to agree on the phases of the project. The project for lights was turned over to the JRC which is the lead agent for the project. That original project has *morphed* into a very expensive proposition which has *changed the dynamics* of the project. As a result, this project will have to return to the Town and Village Boards in order to proceed.

J. ADJOURNMENT: 8:45PM

**EXECUTIVE SESSION:**

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

1. MVP Health Insurance
2. Personnel Files; Police Dept. & Highway Dept.

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

---

Priscilla Gersbeck, Deputy Town Clerk