

TOWN OF GOSHEN
TOWN BOARD MEETING

APRIL 12, 2012
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 12th day of April, 2012 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
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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)

None at this time.

D. OLD BUSINESS:

1. DISCUSS THE LEBLANC CERTIORARI SETTLEMENT AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME

This property consists of two parcels located off 6½ Station Road across from the tennis courts. One parcel is vacant land (wet lands) and the other has a building on it. There is confusion as to the assessments and the listed appraisals. This is tabled until Councilman Canterino returns.

2. DISCUSS THE GOSHEN CORP TAX CERTIORARI SETTLEMENT AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME

Attorney Caplicki has the stipulations of settlement that goes with each individual parcel. He presented analysis of the six flow charts. With all of the information for review, this will be taken up in the executive session.

3. DISCUSS THE IWS TAX CERTIORARI SETTLEMENT AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME

**TOWN OF GOSHEN
RESOLUTION**

Settling of Tax Certiorari Proceeding/Appeal; IWS Transfer System of NY Inc. v. Town of Goshen et al

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman Louis Cappella

DATED: April 12, 2012

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 12th day of April, 2012;

WHEREAS, a tax review proceeding was brought against the Town of Goshen by IWS of NY Inc. with respect to certain real property located in the Town and the Village of Goshen known on the tax maps thereof as: Section 12, Block 1, Lots 21.21 and

WHEREAS, the Town of Goshen and petitioner wish to avoid the expense and time of a trial of the tax/assessment issues involved and

WHEREAS, the Town of Goshen has agreed to cover and pay one half (1/2) of all penalties and interest due with respect to said real property tax proceeding and the County of Orange has agreed to be responsible for and/or waive the remaining one half (1/2) of all penalties and interest due with respect to said real property tax proceeding and

NOW, THEREFORE, BE IT RESOLVED, that the aforementioned tax review proceeding/litigation be resolved and settled by acknowledgement and approval of the terms as set forth in the annexed Consent Order and that Dennis P. Caplicki, Esq. attorney for the Town of Goshen and Jo Ann Soules, Assessor for the Town of Goshen, are authorized to sign such documents as are necessary to effectuate the settlement.

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.

4. DISCUSS REQUEST BY DAVID MURPHY, ESQ. AND AUTHORIZE THE ASSESSOR TO UTILIZE THE SERVICES OF COYLE, LYNCH & COMPANY FOR EXPERT ADVICE ON VALUATIONS OF THE AL TURI PROPERTIES AS OF 7/1/2012

The Town is considering bringing forward the assessment on the Turi property. If the Appellate Division Second Department's decision stands, it is in a "freeze" for three years (2009, 2010 & 2011). There is a possibility that Turi can file a certiorari for the year 2012. Attorney Caplicki suggested that it would be in the best interest of the Town to use Coyle, the previous appraiser who did all of the work for the tax certiorari trial, to bring forward his

figures based upon the present analysis of the true value. Turi was expecting a check for in the millions of dollars. Now Turi will possibly break even or receive a very little return. When all is said and done, Turi (having no choice) might go the Court of Appeals. *If* this does happen, we want to remain consistent with our appraisal methodology, carrying the numbers forward. The Town will wait to see if Turi does file with the Court of Appeals to seek the services of Coyle. Even with the recommendation from Attorney Murphy, the Town would need to know what Coyle would charge for his service. By the end of April, the Town will know what Turi is planning to do.

**5. PASS RESOLUTION FOR THE PROPOSED WATER/SEWER RATE CHANGES
EFFECTIVE MAY 1, 2012**

**TOWN OF GOSHEN
RESOLUTION**

**Establishing the Rates for the Arcadia Hills and Hambletonian Park Water and Sewer
Districts and the rates for the Stonehedge and Scotchtown Water Districts**

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman Louis Cappella

DATED: April 12, 2012

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 12th day of April, 2012;

WHEREAS, the Town of Goshen establishes rates for water and sewer usage for users in the water and sewer districts located in the Town on an annual basis, and

WHEREAS, the Town Board has completed an exhaustive analysis of the costs of operation of the water and sewer districts within the Town, and

WHEREAS, the Town Board of the Town of Goshen held a public information meeting on April 11, 2012 and reviewed with the water and sewer district users within the Town the proposed rates for the upcoming year for the Arcadia and Hambletonian Water and Sewer Districts and the Stonehedge and Scotchtown Water Districts,

NOW, THEREFORE BE IT RESOLVED, that the Town of Goshen does hereby establish rates for water and sewer for the year commencing May 1, 2012 for the Arcadia and Hambletonian Water and Sewer Districts and rates for the Stonehedge and Scotchtown Water Districts as set forth in Exhibit A annexed.

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.

[Exhibit A is on file in the Clerk's Office for viewing]

Councilman Lyons noted that there were no rate increases. Two of the systems rates remained the same and four of the systems rates have decreased.

6. REVIEW AND DISCUSS LATEST DRAFT REGARDING EXPANSION OF HAMBLETONIAN PARK WATER AND SEWER DISTRICTS

A text change/modification is anticipated by Attorney Caplicki. He is reviewing the comments from the Town Board and the engineers/planning professionals.

7. APPROVAL OF MINUTES

Councilman Lyons made the motion to approve the work session minutes of March 5, 2012 and the regular meeting of March 8, 2012 and the emergency meeting} Tax Revaluation of March 14, 2012. Councilman Cappella seconded the motion.

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

Councilman Lyons made the motion to approve the work session minutes of March 19, 2012 and the regular meeting of March 22, 2012. Councilman Newbold seconded the motion.

On a Voice Vote, the motion passed: 3 AYES Bloomfield, Lyons, Newbold
0 NAYS
1 ABSTAIN Cappella

E. NEW BUSINESS

1. RESOLUTION: AUTHORIZE THE TOWN CLERK TO SIGN STANDARD WORK DAY AND REPORTING RESOLUTION

The standard work days for elected and appointed officials (report of days worked) are sent to the New York State Local Employees' Retirement System. They are based on the record of activities maintained and submitted by the officials. This is tabled for the next meeting.

F. FINANCE

Councilman Lyons made the motion to authorize the Supervisor to pay Accounts payable check run for 4/05/12 amounting to \$104,140.98. Councilman Cappella seconded the motion.

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

G. PRIVILEGE OF THE FLOOR

None at this time

H. ADJOURNMENT: 8:15 PM

EXECUTIVE SESSION:

Councilman Cappella made the motion to enter into Executive Session to discuss the Goshen Corp Tax Certiorari Settlements with the intent to return. Councilman Newbold seconded the motion. Carried.

Councilman Newbold made the motion to reconvene the meeting at 8:50pm, to vote on the following five Resolutions. Councilman Cappella seconded the motion. Carried.

**TOWN OF GOSHEN
RESOLUTION**

Settling of Tax Certiorari Claim; 619 Realty Corp. v. The Board of Assessors and/or the Assessor of the Town of Goshen and the Board of Assessment Review

INTRODUCED BY: Councilman Lyons

SECONDED BY: Councilman Cappella

DATED: April 12, 2012

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 12 day of April, 2012;

WHEREAS, a tax review proceeding was brought against the Town of Goshen by 619 Realty Corp. with respect to certain real property located in the Town and the Village of Goshen known on the tax maps thereof as Section 109 Block 3 Lot 3

WHEREAS, it appears from the recommendation of the Town Assessor, the Town’s Appraiser, and Dennis P. Caplicki, Esq. Counsel for the Town of Goshen in the aforesaid proceedings, subsequent to a thorough investigation of the claims that further proceedings and litigation would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the subject matters as more fully set forth in the Stipulation of Settlement, annexed, is reasonable and in the best interests of the Town; and

WHEREAS, petitioner, 619 Realty Corp., is willing to settle these proceedings without interest, cost or disbursement, in the manner as set forth in the annexed Stipulation of Settlement,

NOW, THEREFORE, BE IT RESOLVED, that the proposed Stipulation of Settlement, as attached, is hereby accepted/approved pursuant to Section 68 of the Town Law and be it further;

RESOLVED, that Dennis P. Caplicki, Esq., as Special Counsel for the Town of Goshen, is hereby authorized to sign or execute any and all documents necessary to effectuate the purpose(s) of this resolution.

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.

[Stipulation of Settlement is on file in the Clerk’s Office for viewing]

**TOWN OF GOSHEN
RESOLUTION**

Settling of Tax Certiorari Claim; 619 Realty Corp. v. The Board of Assessors and/or the Assessor of the Town of Goshen and the Board of Assessment Review

INTRODUCED BY: Councilman Cappella

SECONDED BY: Councilman Lyons

DATED: April 12, 2012

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 12 day of April, 2012;

WHEREAS, a tax review proceeding was brought against the Town of Goshen by 619 Realty Corp. with respect to certain real property located in the Town and the Village of Goshen known on the tax maps thereof as Section 109 Block 5 Lot 37

WHEREAS, it appears from the recommendation of the Town Assessor, the Town's Appraiser, and Dennis P. Caplicki, Esq. Counsel for the Town of Goshen in the aforesaid proceedings, subsequent to a thorough investigation of the claims that further proceedings and litigation would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the subject matters as more fully set forth in the Stipulation of Settlement, annexed, is reasonable and in the best interests of the Town; and

WHEREAS, petitioner, 619 Realty Corp., is willing to settle these proceedings without interest, cost or disbursement, in the manner as set forth in the annexed Stipulation of Settlement,

NOW, THEREFORE, BE IT RESOLVED, that the proposed Stipulation of Settlement, as attached, is hereby accepted/approved pursuant to Section 68 of the Town Law and be it further;

RESOLVED, that Dennis P. Caplicki, Esq., as Special Counsel for the Town of Goshen, is hereby authorized to sign or execute any and all documents necessary to effectuate the purpose(s) of this resolution.

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.

[Stipulation of Settlement is on file in the Clerk's Office for viewing]

**TOWN OF GOSHEN
RESOLUTION**

**Settling of Tax Certiorari Claim; Goshen Corp. v. The Board of Assessors and/or the
Assessor of the Town of Goshen and the Board of Assessment Review**

INTRODUCED BY: Councilman Cappella

SECONDED BY: Councilman Lyons

DATED: April 12, 2012

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 12 day of April, 2012;

WHEREAS, a tax review proceeding was brought against the Town of Goshen by Goshen Corp. with respect to certain real property located in the Town and the Village of Goshen known on the tax maps thereof as Section 109 Block 3 Lot 4.2

WHEREAS, it appears from the recommendation of the Town Assessor, the Town's Appraiser, and Dennis P. Caplicki, Esq. Counsel for the Town of Goshen in the aforesaid proceedings, subsequent to a thorough investigation of the claims that further proceedings and litigation would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the subject matters as more fully set forth in the Stipulation of Settlement, annexed, is reasonable and in the best interests of the Town; and

WHEREAS, petitioner, Goshen Corp., is willing to settle these proceedings without interest, cost or disbursement, in the manner as set forth in the annexed Stipulation of Settlement,

NOW, THEREFORE, BE IT RESOLVED, that the proposed Stipulation of Settlement, as attached, is hereby accepted/approved pursuant to Section 68 of the Town Law and be it further;

RESOLVED, that Dennis P. Caplicki, Esq., as Special Counsel for the Town of Goshen, is hereby authorized to sign or execute any and all documents necessary to effectuate the purpose(s) of this resolution.

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.

[Stipulation of Settlement is on file in the Clerk's Office for viewing]

**TOWN OF GOSHEN
RESOLUTION**

**Settling of Tax Certiorari Claim; Goshen Corp./L&C Meinwald v. The Board of Assessors
and/or the Assessor of the Town of Goshen and the Board of Assessment Review**

INTRODUCED BY: Councilman Lyons

SECONDED BY: Councilman Newbold

DATED: April 12, 2012

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 12 day of April, 2012;

WHEREAS, a tax review proceeding was brought against the Town of Goshen by Goshen Corp./ L&C Meinwald with respect to certain real property located in the Town and the Village of Goshen known on the tax maps thereof as Section 108 Block 7 Lot 17.2; Section 108 Block 7 Lots 17.3; and Section 109 Block 3 Lot 6.2 and

WHEREAS, it appears from the recommendation of the Town Assessor, the Town's Appraiser, and Dennis P. Caplicki, Esq. Counsel for the Town of Goshen in the aforesaid proceedings, subsequent to a thorough investigation of the claims that further proceedings and litigation would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the subject matters as more fully set forth in the Stipulation of Settlement, annexed, is reasonable and in the best interests of the Town; and

WHEREAS, petitioner, Goshen Corp./ L&C Meinwald, is willing to settle these proceedings without interest, cost or disbursement, in the manner as set forth in the annexed Stipulation of Settlement,

NOW, THEREFORE, BE IT RESOLVED, that the proposed Stipulation of Settlement, as attached, is hereby accepted/approved pursuant to Section 68 of the Town Law and be it further;

RESOLVED, that Dennis P. Caplicki, Esq., as Special Counsel for the Town of Goshen, is hereby authorized to sign or execute any and all documents necessary to effectuate the purpose(s) of this resolution.

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.

[Stipulation of Settlement is on file in the Clerk's Office for viewing]

**TOWN OF GOSHEN
RESOLUTION**

**Settling of Tax Certiorari Claim; Goshen Corp. v. The Board of Assessors and/or the
Assessor of the Town of Goshen and the Board of Assessment Review**

INTRODUCED BY: Councilman Lyons

SECONDED BY: Councilman Cappella

DATED: April 12, 2012

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 12 day of April, 2012;

WHEREAS, a tax review proceeding was brought against the Town of Goshen by Goshen Corp. with respect to certain real property located in the Town and the Village of Goshen known on the tax maps thereof as Section 111 Block 14 Lot 2

WHEREAS, it appears from the recommendation of the Town Assessor, the Town's Appraiser, and Dennis P. Caplicki, Esq. Counsel for the Town of Goshen in the aforesaid proceedings, subsequent to a thorough investigation of the claims that further proceedings and litigation would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the subject matters as more fully set forth in the Stipulation of Settlement, annexed, is reasonable and in the best interests of the Town; and

WHEREAS, petitioner, Goshen Corp., is willing to settle these proceedings without interest, cost or disbursement, in the manner as set forth in the annexed Stipulation of Settlement,

NOW, THEREFORE, BE IT RESOLVED, that the proposed Stipulation of Settlement, as attached, is hereby accepted/approved pursuant to Section 68 of the Town Law and be it further;

RESOLVED, that Dennis P. Caplicki, Esq., as Special Counsel for the Town of Goshen, is hereby authorized to sign or execute any and all documents necessary to effectuate the purpose(s) of this resolution.

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.

[Stipulation of Settlement is on file in the Clerk's Office for viewing]

ADJOURNMENT: 9:15PM

Councilman Cappella made the motion to enter into Executive Session to discuss the following;

1. Al Turi Landfill Certiorari Litigation Status Update
2. Dog Warden Availability
3. Woodland Estates Status Update
4. Riya Status Update

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

Priscilla Gersbeck, Deputy Town Clerk