

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

June 16, 2016  
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 16th day of June, 2016 at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:            Douglas Bloomfield     Supervisor  
                      Melissa Gallo            Councilmember  
                      George Lyons            Councilmember  
                      John VanDerMolen     Councilmember

Absent:             Kenneth Newbold        Councilmember

Also Present:     Richard Golden, Esq.    Attorney for the Town  
                      Robert Rametta, Esq.   Special Counsel – Tax Certiorari/Negotiations  
                      Dennis Caplicki, Esq.   Special Counsel – Al Turi Tax Litigation  
                      Priscilla Gersbeck      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**

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

None at this time

**D.     NEW BUSINESS:**

**1.     REVIEW AND PASS MOTION TO ACCEPT THE TOWN OF GOSHEN ROAD  
PROGRAM FOR 2016 AND AUTHORIZE THE SUPERINTENDENT OF HIGHWAYS  
TO IMPLEMENT AS PRESENTED**

Superintendent of Highways, Broderick Knoell, detailed his 2016 Road Improvement Summary to the Board Members. The 2016 Town road improvement fund is \$580,000.00 plus the Chips fund of \$144,723.15 will provide the total revenue amounting to \$724,723.15. The 2016 planned expenditures is \$687,174.70, leaving a fund balance of \$37,548.45. [Details of the road improvement summary are in the Clerk's office]

Councilman Lyons made the motion to approve the 2016 Road Improvement Summary and expenditures as presented. Councilwoman Gallo seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson Kenneth Newbold	<u>ABSENT</u>
Councilperson, Melissa Gallo	<u>AYE</u>	Councilperson, John VanDerMolen	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>		

Vote:    Motion carried by a vote of 4 to 0.

E. OLD BUSINESS:

1. PASS MOTION TO APPOINT GOSHEN TOWN BOARD LEAD AGENCY FOR A TYPE II SEQRA REVIEW FOR A NYS SAM GRANT APPLICATION TO PAVE THE TOWN HALL PARKING LOT, AS FOLLOWS:

**TOWN OF GOSHEN  
NOTICE OF INTENT TO BE LEAD AGENCY RESOLUTION  
TOWN HALL PAVING AND DRAINAGE PROJECT**

**INTRODUCED BY: Councilperson George Lyons**

**SECONDED BY: Councilperson Melissa Gallo**

**DATED: June 16, 2016**

**WHEREAS**, the Town of Goshen has secured a State SAM Grant Administration through DASNY for drainage and paving improvements to the Town Hall; and

**WHEREAS**, the Town has reviewed the SEAF in accordance as required by SEQR (6NYCRR Part 617) for Type II actions; and

**WHEREAS**, the Town Board has determined that there is no significant adverse impact on the environment base on the criteria contained in 617.7C of the part and specifically part 617.5C(4) repaving of existing paving not involving the addition of new travel lanes.

<b>Name of Action:</b>	Town of Goshen, Town Hall Paving & Drainage Project
<b>Location:</b>	41 Webster Avenue, Section 108, Block 7, Lot 6
<b>Project:</b>	Repace parking lot and repair catch basin
<b>Action:</b>	Type II in accordance with Part 617.5C (4)
<b>Plans and Application:</b>	Available at Town Hall or upon request

**RESOLVED**, the Town of Goshen, Town Board declares itself Lead Agency and further hereby declared the above noted project a Type II action with no significant impact on the environment and concludes any further SEQRA action on this project.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, John VanDerMolen	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>	Councilperson, Melissa Gallo	<u>AYE</u>
Councilperson, Kenneth Newbold	<u>ABSENT</u>		

Vote: Resolution carried by a vote of 4 to 0

**2. DISCUSS AND PASS A TYPE II SEQRA RESOLUTION REGARDING THE NYS SAM GRANT AND AUTHORIZE THE SUPERVISOR TO SIGN A SHORT FORM EAF.**

Councilman VanDerMolen made the motion to pass a Type II SEQRA Resolution regarding the New York State "SAM" Grant and authorize the Supervisor to sign a completed short Form EAF. Councilman Lyons seconded the motion.

On A Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, VanDerMolen  
0 NAYS

**3. DISCUSS PROPOSED SETTLEMENT OF THE TURI LANDFILL TAX CERTIORARI AND PASS RESOLUTION TO AUTHORIZE THE SUPERVISOR AND/OR CERTIORARI ATTORNEY TO SIGN THE SAME**

Attorney Caplicki gave a historical background (prior 1990) leading up to the settlement of the Al Turi Landfill Tax Certiorari Claims. The actual proceedings commenced in Assessment Years 2000 through 2015. In the beginning Al Turi Landfill (ATL) owned 21 stand-alone parcels, 9 are involved with the operations of the landfill, and the other 12 parcels surround the hard-core. Over time, 7 of the parcels have been sold, and some have had no taxes paid on them.

Attorney Caplicki presented his summary of the settlement numbers as follows:

After years of negotiations, the upfront monies refunded to Al Turi (AT) under the Corso Family Trust, portion of real property tax (settlement figure) are: from the Town of Goshen \$100,748.71, from the Fire District \$37,454.40 and from the School District \$560,263.96.

The amounts to be refunded back to the County (advance payment of tax refunds due to the County), with no penalties, no interest and no costs what-so-ever are: from the Town of Goshen \$101,114.30 from the Fire District \$36,589.70 and from the School District \$562,296.00.

Certain refunds on the parcels AT paid taxes on, but the Courts determined were assessed too high, the County (who advanced monies to the municipalities to make them "whole") will receive over a three year period, from the Town of Goshen \$370,635.41 from the Fire District \$134,111.64 and from the School District \$2,026,689.33. The School District has been accumulating, from taxes, monies into a fund for purposes such as this. Therefore, they have the money to pay this without raising taxes for this settlement. At this time, the School District is advancing to the County \$1,500,000.00.

Monies paid back to the County represent monies advanced by the County to the municipalities for taxes on as many as 9 parcels of real property on which the taxes were never paid or were only paid in certain limited years by AT are: from the Town of Goshen \$202,398.27 from the Fire District \$73,240.80 and from the School District \$1,125,535.53.

Supervisor Bloomfield summarized the Al Turi tax certiorari closure. For the past ten years, the Town has spent \$300,000.00 in litigation fees. In 2009, we began litigation and appealed the decision and by doing so, saved the Town, Fire District and the School District hundreds of thousands dollars by winning the appeal. Furthermore, the Town's assessable base increased (almost 8%) and with strategic and careful planning the Town has the money to pay this off. This settlement will not cause an increase in taxes.

The Settling of Tax Certiorari Claims: as presented for S-B-L schedule:

12-1-1.2, 12-1-1.3, 12-1-1.14, 12-1-1.42, 12-1-1.5, 12-1-1.6, 12-1-1.7, 12-1-7.2, 12-1-17.1, 12-1-17.2  
12-1-18, 12-1-19, 12-1-20, 12-1-21.1, 12-1-21.22, 12-1-23.1, 12-1-23.2, 12-1-75.

[The Final Order And Judgment is in the Clerk's Office for review.]

The Town Of Goshen Resolution as follows:

TOWN OF GOSHEN  
RESOLUTION  
Settling of Tax Certiorari Claims;  
AL TURI LANDFILL, INC.  
Section-Block-Lot (Per Attached Schedule)

INTRODUCED BY: Councilwoman Melissa Gallo  
SECONDED BY: Councilman George Lyons  
DATED: June 16, 2016

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 16th day of June, 2016;

WHEREAS, claimant, AL TURI LANDFILL, INC., having commenced tax certiorari proceedings against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for the 2000 through 2016 assessment years bearing Orange County Index Numbers 4564-00, et seq.;

WHEREAS, it appears from the recommendations of the Town Assessor, Arnold Silver, Dennis P. Caplicki, Esq. and Robert M. Rametta, Esq., Counsel for the Town of Goshen in the aforesaid proceedings, and upon a thorough investigation of the claims, that any further proceedings and litigation by the Town would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the above matters, as more fully set forth below, is reasonable and in the best interests of the Town; and

WHEREAS, claimant, AL TURI LANDFILL, INC., is willing to settle these proceedings without interest, costs or disbursements, in the following manner: As set forth in annexed Final Order and Judgment;

NOW, BE IT THEREFORE RESOLVED, that the proposed settlement as set forth and described above and as set forth in the annexed Final Order and Judgment is hereby accepted pursuant to Section 68 of the Town Law and it is further;

RESOLVED, that the Assessor of the Town of Goshen, and Dennis P. Caplicki Esq. and Robert M. Rametta, Esq. Special Counsel to the Town of Goshen, and Douglas Bloomfield, Supervisor of the Town of Goshen be and are hereby authorized to take any and all steps and sign any and all documents necessary to effectuate the terms of this resolution;

Discussion: Councilman Lyons voiced that he is "not happy with the decision". However, he will approve it to avoid spending hundreds of thousands of dollars in legal fees. He did not read the final copy, but he read the draft. Noting, any changes were ministerial.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, John Van Der Molen	<u>AYE</u>
Councilperson, Melissa Gallo	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>ABSENT</u>
Councilperson, George Lyons	<u>AYE</u>		

Vote: Resolution carried by a vote of 4 to 0

**4. REVIEW PROPOSED TAX CERTIORARI SETTLEMENT OF STERLING NATIONAL BANK AND AUTHORIZE THE SUPERVISOR AND/OR TAX CERTIORARI ATTORNEY TO SIGN THE SAME**

Supervisor Bloomfield moved this into Executive Session for review.

**5. REVIEW AND PASS MOTION TO ACCEPT THE MOST RECENT PBA CONTRACT PROPOSAL AND TERMS OF THE MEMORANDUM OF AGREEMENT**

The old contract expired in December 2012. It has taken 3 years of negotiations to finalize this agreement. Councilman VanDerMolen made the motion to accept the most recent PBA Contract proposal and authorize the Supervisor to sign the memorandum of agreement and to sign the ultimate contract with the PBA. Councilman Lyons seconded the motion.

Discussion: Councilman Lyons asked who is responsible for comparing the old PBA contract with the new PBA contract to make sure it is the same with modifications? Answer: Ashley Torre, Esq. will handle the review. He also asked for some clarification of a few provisions in the contract.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, John Van Der Molen	<u>AYE</u>
Councilperson, Melissa Gallo	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>ABSENT</u>
Councilperson, George Lyons	<u>AYE</u>		

*Vote: Resolution carried by a vote of 4 to 0*

**6. DISCUSS AND PASS RESOLUTION TO EXTEND THE LOCAL LAW AMENDING CHAPTER 97, ZONING/CODING FOR WIND/SOLAR ENERGY SYSTEMS BY ONE MONTH.**

Councilman Lyons made the motion to resolve and extend the current moratorium Local Law, amending Chapter 97, Zoning/Coding for Wind/Solar by one month from the date that it would otherwise expired. Councilwoman Gallo seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, John Van Der Molen	<u>AYE</u>
Councilperson, Melissa Gallo	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>ABSENT</u>
Councilperson, George Lyons	<u>AYE</u>		

*Vote: Resolution carried by a vote of 4 to 0*

**F. FINANCE**

Councilman Lyons made the motion to authorize the Supervisor to pay Accounts Payable check run for June 16, 2016 in the amount of \$89,151.68. Councilwoman VanDerMolen seconded the motion.

On A Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, VanDerMolen  
0 NAYS  
1 ABSENT Newbold

## G. PRIVILEGE OF THE FLOOR

**Jerry Boss** questioned the litigants in the settling of Tax Certiorari Claims for Al Turi Landfill and their connections to alleged criminal activity. Answer: they are Al Turi Landfill, Corso and Corso Investment. Mr. Boss voiced his disapproval that the Town has to refund monies to those with criminal histories, but understands that legally this must be done.

**Susan Cleaver** (inaudible) referenced the ATL parcels involved with the operations of the landfill. *[When ATL sells the valuable parcels, it is believed that they will probably collapse their corporation and "walk away" from the parcels involved in landfill operations. ATL has a 2.7 million reclamation bond posted with the State. The State claims this amount is inadequate to totally reclaim the parcels.]* Who will be responsible for the clean-up of the contaminants connected to those parcels? Answer: The Town will not be responsible. This was not a Town operation and the Town did not operate the facility. She noted that the closure of the landfill was in part the result of the pollutants tested which yielded high levels of an array of chemicals that were unacceptable. Also, the reputation of the owners/operators were in question. She is concerned that the clean-up will not be a burden on the taxpayer. She was assured that this *will not happen*. In all probability, the DEC and/or the State will have to step in.

**Lynn Cione** (inaudible) Thanked the Town Board for pursuing Legoland's proposal. This will be a tremendous opportunity for Goshen. There are many properties off of the tax rolls and this will bring in much needed revenue to the area.

[Microphones were not used, as a result comments are inaudible.]

### Topic Legoland:

People voiced concerns over; traffic congestion, quality of life, property values, and to define what types of tax benefits to all.

Some people asked the Board to be open minded, to listen carefully, to actually consider what the constituents are saying and to be cautious of pro/con wording when addressing issues.

Generally speaking, people were impressed by the presentation given by John Ussher at the 6/14 (Tuesday) Special Meeting. Those who approved of Legoland, favored the addition to our retailables, bringing life back into the community, and felt it is good for many aspects of economic development. It will provide an arena for families to gather, bring in jobs and contribute to local spending.

## H. EXECUTIVE SESSION:

Councilwoman Gallo made the motion to enter into Executive Session to discuss the following:

1. CSEA Negotiations Update
  2. Review Proposed Tax Certiorari Settlement of Sterling National Bank
- with the intent not to return. The motion was seconded by Councilman Lyons. Motion carried

## I. ADJOURNMENT: 9:35PM

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Priscilla Gersbeck, Town Clerk