

TOWN OF GOSHEN
TOWN BOARD MEETING
July 24, 2014

MINUTES

An Informational Meeting and Regular meeting of the Town Board of the Town of Goshen was held on the 24th day of July 2014 at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange State of New York.

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| Present: | Douglas Bloomfield | Supervisor |
| | Louis Cappella | Councilman |
| | Philip Canterino | Councilman |
| | Kenneth Newbold | Councilman |

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| Absent: | George Lyons | Councilman |
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| Also Present: | Richard Golden | Attorney |
| | Dennis Caplicki | Town Attorney |
| | Valma Eisma | Town Clerk |

INFORMATIONAL MEETING

A. CALL TO ORDER:

Supervisor Bloomfield called the meeting to order at 6:40 p.m. and led the Pledge of Allegiance. He then introduced Attorney Richard Golden who has been working with the Board on the drafting of Local Law 2 of 2014 entitled "A Local Law rescinding Section 17-1("Adoption of Benefits") of the Code of the Town of Goshen, and enacting in its stead a New Local Law providing for the Defense and Indemnification of Town Officers and Employees While Acting Within the Scope of Their Employment".

Attorney Golden stated that with this draft the Board will be following State Law. He said this draft follows State Law, with a few extras added. He reviewed the Draft of the law, and pointed out the various pitfalls; the Board is now able to accept the draft or make changes.

Attorney Golden pointed out that the employees would be covered under this, but would have to follow procedures to obtain this benefit. He explained that sometimes the employee might want their own attorney, this would be fine as long as that attorney's fees are in the normal range, if not, the employee would have to pay the difference.

Attorney Golden warned the Board of the liability to the employees and the Board if punitive damages are brought into the picture. He stated that whatever is awarded by the jury is paid by the Elected Official or employee themselves, and the awards are usually in the \$75,000 to 100,00 range. He said a person could lose everything if faced with this situation. The public servant should not be personally punished in this way, and should be protected while performing their duties. Attorney Golden informed the Board of some of the cases he had when working as a County Attorney in regard to punitive damages. He said with this

Local Law the Board and employees would be covered in the working place, while performing their work duties. He also covered other areas as well, answering the questions of the Board.

Supervisor Bloomfield said he felt the Law covered the items the Board was concerned with. Councilman Newbold made the Motion to accept the Draft of Local Law #2 of 2014 as presented. Councilman Canterino seconded the Motion. Supervisor Bloomfield called for a Roll Call Vote:

Roll Call Vote:

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

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

Supervisor Bloomfield made a Motion to set the Public Hearing for Local Law #2 for August 11, 2014 at 7:30 p.m. or as soon thereafter. The Motion was seconded by Councilman Canterino. Motion carried 4 to 0.

The Board thanked Attorney Golden for coming.

B. AMENDMENT TO THE AGENDA: Having completed the informational meeting, Supervisor Bloomfield went into the Regular Meeting, and asked if anyone had an amendment to the agenda. No one responded, and the Supervisor stated that he did, it would be for the Executive Session. He said he would make it # 4 Orange County Civil Service issue.

Attorney Caplicki said he would add an item to Old Business "Peddler's Law, #3.

C. PRIVILEGE OF THE FLOOR: (agenda items only): No response

D. REPORTS:

COUNCILMAN CAPPELLA reported for Dial –A – Bus saying he was sorry the press was not present so that the information would be published. He said that Dial-A-Bus will be doing ice cream runs on Mondays starting July 28th through September. They will be visiting a number of ice cream stands, and the run will be from 1:00 p.m. to 2:15 p.m. Anyone wishing to make an appointment can call Dial-A-Bus 845-294-8920.

The Chamber is sponsoring Dial-A-Bus on Saturday, August 16th a bus run to Trailside Treats. People will be picked up from 10:15 to 11:15 at Elsie's Luncheonette, and taken to Trailside Treats from 1:30 p.m to 2:15 p.m.

Councilman Cappella said also on the same day, August 16th, the Dial- A- Bus will pick up seniors or families to go to Craigville Park to enjoy The Family Fun Day they are sponsoring, and the Rotary will be paying the bus fare.

Councilman Cappella had nothing to report on Highway except they are doing the usual road repair, etc. He said that the Senior Center rentals are not doing as well as they have done in the past, and there does not seem to be any particular reason for it.

COUNCILMAN NEWBOLD waived his report saying everything is going well in water and sewer.

COUNCILMAN CANTERINO reported there was an audit conducted by the State Comptroller's Office recently, and the results were positive. He said they did an extensive audit on the Police Department, and there were a number of items the auditor picked up, so the final results will not be done for some time.

SUPERVISOR BLOOMFIELD reported that the same audit was done on Highway, with very good results, nothing irregular found.

Supervisor Bloomfield said that he and Councilman Canterino are again negotiating with the PBA, and are now waiting for a counter offer.. He said he will be working with the Highway Superintendent on a list of things, but the Superintendent is very busy at this time.

Councilman Lyons: Absent

E. OLD BUSINESS:

1. Discuss New Local Law Proposal Regarding Defense and indemnification of Town Officers and Employees, and Set Public Hearing: Done earlier in the meeting.
2. Discuss and Approve the Final Draft of the ADC Maplewood Developers Agreement and Authorize the Supervisor to Sign the Same: Attorney Caplicki reported that at this time everything is in agreement, but one item. He said that ADC wants to do the project in phases which brings up the question of when they will construct the two wells that the developer will be giving to the Town. ADC wants to give the first well in Phase 1 and 2, and the second well in Phase 3 due to the expense of the construction of the wells. After a brief discussion, it was decided that Attorney Caplicki will go back to the developer, and the project will be placed on the August 11th agenda.
3. Peddler's Law: Supervisor Bloomfield asked Attorney Caplicki to address the law. He explained that the County has a Veterans Peddler's Law, but does not have a general Peddler's Permit. However, he stated that their law does not diminish any other municipality 's laws or regulations. He felt there were some deficiencies in our law, and some contradictory feelings within the building. He stated that there may be just some modifications to be made, along the lines of safety features. There was a brief discussion of the dangers of the peddler's along highways and such. People trying to cross major roads to reach the peddler, or parking in dangerous areas. Attorney Caplicki will continue tweaking the law, and report back to the Board.

F. NEW BUSINESS::

1. Discuss New Local Law Proposal Designed to Expedite the Property Cleanup Authorization Process", and set the Public Hearing: Attorney Caplicki stated the change in this Property Maintenance is in 75-4, C. There is now one ten day notice, seven day expiration. Supervisor Bloomfield asked the Board if they all agree on the changes made in the Property Maintenance Law? All agreed they

did. Councilman Canterino made the Motion that the Board accept the Proposed Property Maintenance Chapter 75 Local Law 3, 2014 regarding Property Maintenance. The Motion was seconded by Councilman Cappella.

Upon Roll Call Vote:

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|--------------------------------|--------|------------------------------|-----|
| Supervisor, Douglas Bloomfield | AYE | Councilman, Philip Canterino | AYE |
| Councilman, Louis Cappella | AYE | Councilman, Kenneth Newbold | AYE |
| Councilman, George Lyons | ABSENT | | |

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

Councilman Cappella made a Motion to set a Public Hearing on Local Law #3, Chapter 75, Property Maintenance for Thursday, August 14, 2014 at 7:30 or as soon thereafter, at Town Hall, 41 Webster Avenue. The Motion was seconded by Councilman Newbold. Motion carried 4 to 0.

2. Discuss and Approve Resolution to Authorize the Building and Zoning Office to have 17 Tanglewood Drive Property Cleaned Up: The Board reviewed the Resolution with the Attorney, and in the review decided to eliminate ("not to exceed \$1,500.00 with DBros Landscaping immediately"), and accepted the rest of the Resolution as written.

TOWN OF GOSHEN RESOLUTION

Authorizing Cleanup of Real Property Pursuant to Chapter 75, Property Maintenance of The Code of the Town of Goshen

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman Philip Canterino

DATED: July 24, 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 24th day of July, 2014

WHEREAS, pursuant to Chapter 75, Property Maintenance, of the Code of the Town of Goshen, the owner(s) in title of real property known as 17 Tanglewood Drive, Goshen, New York and known on the tax maps of the Town of Goshen as Section 25, Block 5, Lot 13 were notified and served with a Notice of Violation setting forth that the aforementioned real property was in violation of and not being maintained in conformance with the requirements of Chapter 75 of the Code of the Town of Goshen entitled Property Maintenance, and

WHEREAS, the responsible parties for the aforementioned real property have not responded nor undertaken any activities to remedy or address the violation(s) set forth in Notice(s) of Violation from the Town of Goshen dated July 8, 2014 and June 17, 2014, and

WHEREAS, the responsible parties have, to date, failed to comply with the requirements as set forth in Chapter 75 of the Code of the Town of Goshen, and

NOW, THEREFORE BE IT RESOLVED that the Town of Goshen Code Enforcement Officer is authorized to take any and all steps and incur such expense so as to remedy any Chapter 75 violations as shall exist on the subject premises and to bring said premises into compliance with the requirements of Chapter 75 of the Code of the Town of Goshen, Property Maintenance; it being understood that any actual expense will be paid by the Town of Goshen, but that any actual expense so incurred and paid shall be charged to the property so affected by including such expense in the annual tax levy against the property.

Upon Roll Call Vote:

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|-------------------------------|--------|-----------------------------|-----|
| Supervisor Douglas Bloomfield | AYE | Councilman Philip Canterino | AYE |
| Councilman Louis Cappella | AYE | Councilman Kenneth Newbold | AYE |
| Councilman George Lyons | ABSENT | | |

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

3. Discuss and Approve Resolution to Authorize the Building and Zoning Office to Have 6 Larchwood Drive Property Cleaned Up: This is the same procedure needed as the above Resolution, with the same portion of the sentence taken out.

TOWN OF GOSHEN RESOLUTION

Authorizing Cleanup of Real Property Pursuant to Chapter 75, Property Maintenance

INTRODUCED BY: Councilman Philip Canterino

SECONDED BY: Councilman Kenneth Newbold

DATED: July 24, 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 24th day of July, 2014

WHEREAS, pursuant to Chapter 75, Property Maintenance, of the Code of the Town of Goshen, the owner(s) in title of real property known as 6 Larchwood Drive, Goshen, New York and known on the tax maps of the Town of Goshen as Section 25, Block 3, Lot 14, were notified and served with a Notice of Violation setting forth that the aforementioned real property was in violation of and not being maintained in conformance with the requirements of Chapter 75 of the Code of the Town of Goshen entitled Property Maintenance, and

WHEREAS, the responsible parties for the aforementioned real property have not responded nor undertaken any activities to remedy or address the violation(s) set forth in Notice(s) of Violation from the Town of Goshen dated June 27, 2014 and July 9, 2014; and

WHEREAS, the responsible parties have, to date, failed to comply with the requirements as set forth in Chapter 75 of the Code of the Town of Goshen; and

NOW, THEREFORE BE IT RESOLVED that the Town of Goshen Code Enforcement Officer is authorized to take any and all steps and incur such expense so as to remedy any Chapter 75 violations as shall exist on the subject premises and to bring said premises into compliance with the requirements of Chapter 75 of the Code of the Town of Goshen, Property Maintenance; it being understood that any actual expense will be paid by the Town of Goshen, but that any actual expense so incurred and paid shall be charged to the property so affected by including such expense in the annual tax levy against the property.

Upon Roll Call Vote:

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|-------------------------------|--------|-----------------------------|-----|
| Supervisor Douglas Bloomfield | AYE | Councilman Philip Canterino | AYE |
| Councilman Louis Cappella | AYE | Councilman Kenneth Newbold | AYE |
| Councilman Georg Lyons | ABSENT | | |

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

4. Information: NYS DOT Plans to Pave RT. 17A From Dikeman Drive to Pulaski Highway in the Near Future: Supervisor Bloomfield said he just wanted the Board and the public to be aware of this as it is sure to have an effect on traffic.

G. FINANCE: Councilman Canterino made a Motion to authorize the Supervisor to pay Accounts Payable Check Run of 7/24/14 amounting to \$39,024.19. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

H. PRIVILEGE OF THE FLOOR:

ROBERT SMITH asked if there is so much water in different areas, is there a chance that sometime Brookside Drive could be joined to the Village?

Supervisor Bloomfield stated that is what the Board is trying to do. With the various subdivisions building in the one area, the Board is hoping to connect them in some way and hook into the Village system. He said however, it would be some time before the building occurs, or is finished.

Spencer Hogan, a Student was accompanied by his father Greg Hogan. They reside at 29 Park Circle, Middletown, New York 10914. Spencer was visiting to see Government in operation as a part of his College Summer Government Class. Supervisor Bloomfield introduced him to the Board and explained a lot of the duties the Board has. Supervisor Bloomfield asked what he would like to do in the future, Spencer expressed an interest in government. The Board thanked Spencer for having the interest in coming to a meeting, wished him success in whatever he does in life.

I. ADJOURNMENT: With no further business Councilman Newbold made a Motion to adjourn the Regular Meeting, and go into Executive Session with intent not to return, to discuss the following:

1. Al Turi Tax Certiorari Update
2. Jewish Lubavitch Tax Issue Update
3. Barbara Thompson – Sump Pump Connection
4. Orange County Civil Service Issue.

The Motion was seconded by Councilman Canterino. Motion carried 4 to 0.

Time: 7:50 p.m.

Valma Eisma, Town Clerk