

TOWN OF GOSHEN
TOWN BOARD MEETING
August 8, 2013

MINUTES

A Regular Meeting of the Town Board of the Town of Goshen was held on the 8th day of August, 2013 at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:

Douglas Bloomfield	Supervisor
Philip Canterino	Councilman
George Lyons	Councilman
Louis Cappella	Councilman

Absent: Kenneth Newbold Councilman

Also Present:

Dennis Caplicki	Town Attorney
Valma Eisma	Town Clerk

A. CALL TO ORDER: Supervisor Bloomfield called the meeting to order at 7:35 pm, and led the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA: Attorney Caplicki asked that item #1 under Old Business, "Discuss and approve Resolution to Modify the Prior ADC Maplewood Litigation Stipulation" be moved to Executive Session.

Supervisor Bloomfield also omitted #2 "Discuss and Approve Resolution for ADC Maplewood Developers Agreement", as preparation is not complete.

Attorney Caplicki also added Status of Stack Certiorari, Krantz Property Maintenance Violation, P. D. Personnel Case Status

C. PRIVILEGE OF THE FLOOR: No response

D. OLD BUSINESS:

1. DISCUSS AND APPROVE RESOLUTIONS TO SETTLE THE FOLLOWING TAX CERTIORARI AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME:

Attorney Caplicki reviewed the following Resolutions and the Board took action:

**TOWN OF GOSHEN
RESOLUTION**

INTRODUCED BY: Councilman Philip Canterino

SECONDED BY: Councilman George Lyons

DATED: August 8, 2013

Settling of Tax Certiorari Claim: Pawan Gill, Section 15, Block 1, Lot 79

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 8th day of August, 2013

WHEREAS, Pawan Gill has commenced tax certiorari proceedings against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for the 2012-2013 and 2013-2014 tax assessment year bearing Orange County index #5784/12 and 6060/13, and

WHEREAS, it appears from the recommendation(s) of the Town Assessor, the Town's Appraiser and Dennis P. Caplicki 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 matter(s), as more fully set forth below, is reasonable and in the best interests of the Town; and

WHEREAS, Pawan Gill is willing to settle these proceedings without interest, costs or disbursements, in the following manner;

- (1) That the proceeding for the 2012-13 tax year be confirmed an assessment of \$1,750,000
- (2) That the proceeding for the 2013-14 tax year confirmed an assessment of \$1,750,000

That petitioner's real property taxes for the years 2012-2013 and 2013-2014 be adjusted accordingly and that the petitioner be reimbursed, if paid, for any overpayment, without interest, if paid within ninety(90) days of notice of entry, or be credited with the corresponding decrease in taxes, as the case may be: and

That the petitioner agrees to waive the right to challenge the 2014-15, 2015-16 and 2016-17 real property tax year assessments pursuant to RPTL Section 727; and

NOW, BE IT THEREFORE RESOLVED that the proposed settlement as set forth and described above is hereby accepted pursuant to Section 68 of the Town Law and it is further; **RESOLVED** that the Assessor of the Town of Goshen, Dennis P. Caplicki Esq. Attorney for the Town of Goshen, and Douglas Bloomfield, Supervisor of the Town of Goshen be and they are hereby authorized to take any and all steps and sign any and all documents necessary to effectuate the terms of this resolution;

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield AYE
Councilman, Louis Cappella AYE
Councilman, George Lyons AYE

Councilman, Philip Canterino AYE
Councilman Kenneth Newbold ABSENT

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

**TOWN OF GOSHEN
RESOLUTION**

Settling of Tax Certiorari Claim, Section 108, Block 6, Lot 27.21

INTRODUCED BY: Councilman Louis Cappella

SECONDED BY: Councilman George Lyons

DATED: August 8, 2013

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 8th day of August, 2013

WHEREAS, Betsy Corp. has commenced tax certiorari proceedings against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for the 2012-2013 and 2013-14 tax assessment year bearing Orange County Index #5786/12 and 6067/13, and

WHEREAS, it appears from the recommendation(s) of the Town Assessor, the Town's appraiser and Dennis P. Caplicki 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 matter(s), as more fully set forth below, is reasonable and in the best interests of the Town; and

WHEREAS, Betsy Corp. is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- (1) That the proceeding for the 2012-13 tax year be confirmed an assessment of \$232, 000
- (2) That the proceeding for the 2013-14 tax year confirmed an assessment of \$232,000

That petitioner's real property taxes for the years 2012-2013 and 2013-2014 be adjusted accordingly and that the petitioner be reimbursed, if paid, for any overpayment, without interest, if paid within ninety (90) days of notice of entry, or be credited with the corresponding decrease at taxes, as the case may be; and

That the petitioner agrees to waive the right to challenge the 2014-15, 2015-16 and 2016-17 real property tax year assessments pursuant to RPTL Section 727, and

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

RESOLVED that the Assessor of the Town of Goshen, Dennis P. Caplicki Esq., Attorney for the Town of Goshen, and Douglas Bloomfield, Supervisor of the Town of Goshen be and they are hereby authorized to take any and all steps and sign any and all documents necessary to effectuate the terms of this resolution:

Upon roll Call Vote:

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

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

**TOWN OF GOSHEN
RESOLUTION**

Settling of Tax Certiorari Claim: Blazing Saddles, LLC, Section 12, Block 1, Lot 16

INTRODUCED BY: Councilman Philip Canterino

SECONDED BY: Councilman George Lyons

DATED: August 8, 2013

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 8th day of August, 2013.

WHEREAS, Blazing Saddles, LLC has commenced tax certiorari proceedings against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for the 2012-2013 and 2013-14 tax assessment year bearing Orange county Index #5789/12 and 6065/13, and

WHEREAS, it appears from the recommendation(s) of the Town Assessor, the Town's appraiser and Dennis p. Caplicki 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 matter(s), as more fully set forth below is reasonable and in the best interests of the Town; and

WHEREAS, Blazing Saddles, LLC is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

- (1) That the proceeding for the 2012-13 tax year be confirmed an assessment of \$200,000
- (2) That the proceeding for the 2013 – 14 tax year confirmed an assessment of \$200,000

That petitioner's real property taxes for the years 2012-2013 and 2013-14 be adjusted accordingly and that the petitioner be reimbursed, if paid, for any overpayment, without interest, if paid within ninety (90) days of notice of entry, or be credited with the corresponding decrease in taxes, as the case may be; and

NOW, BE IT THEREFORE RESOLVED that the proposed settlement as set forth and described above is hereby accepted pursuant to Section 68 of the town Law and it is further

RESOLVED that the Assessor of the Town of Goshen, Dennis P. Caplicki Esq., Attorney for the Town of Goshen and Douglas Bloomfield, Supervisor of the Town of Goshen be and they are hereby authorized to take any and all steps and sign any and all documents necessary to effectuate the terms of this resolution.

Upon Roll Call Vote:

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

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

**TOWN OF GOSHEN
RESOLUTION**

**Settling of Tax Certiorari Claim; Vertical Development, LLC,
Section 111, Block 11 Lot 6**

INTRODUCED BY: Councilman Louis Cappella
SECONDED BY: Councilman Philip Canterino
Dated: August 8, 2013

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 8th Day of August, 2013

WHEREAS, Vertical Development, LLC has commenced tax certiorari proceedings against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for the 2012-2013 and 2013-14 tax assessment year bearing Orange county Index # 5788/12 and 6068/13, and

WHEREAS, IT APPEARS FROM THE RECOMMENDATION(S) OF THE Town Assessor, the Town's appraiser and Dennis P. Caplicki 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 matter(s), as more fully set forth below, is reasonable and in the best interests of the Town; and

WHEREAS, Vertical Development, LLC is willing to settle these proceedings without interest, costs or disbursements, in the following manner;

- (1) That the proceeding for the 2012-13 tax year be confirmed an assessment of \$220,000
- (2) That the proceeding for the 2013-14 tax year confirmed an assessment of \$220,000

That the petitioner's real property taxes for the years 2012-2013 and 2013-2014 be adjusted accordingly and that the petitioner be reimbursed, if paid, for any overpayment, without interest, if paid within ninety (90) days of notice of entry, or be credited with the corresponding decrease in taxes, as the case may be; and

That the petitioner agrees to waive the right to challenge the 2014-15, 2015-16 and 2016-17 real property tax year assessments pursuant to RPTL Section 717. and

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

RESOLVED that the Assessor of the Town of Goshen, Dennis P. Caplicki Esq., Attorney for the Town of Goshen, and Douglas Bloomfield, Supervisor of the Town of Goshen be and they are hereby authorized to take any and all steps and sign any and all documents necessary to effectuate the terms of this resolution.

Upon Roll Call Vote:

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

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

4. APPROVAL OF MINUTES: Councilman Cappella made a Motion to approve the Work Sessions of June 13th, July 8th, and July 22nd, and the Regular Meetings of July 11, and July 25, 2013. Councilman Canterino seconded the Motion, Councilman Lyons recused himself from voting on the July 25th meeting, as he was absent from that meeting. Motion carried.

5. STANDARD WORK DAY AND REPORTING RESOLUTION: COUNCILMAN KENNETH NEWBOLD: Supervisor Bloomfield stated that this is usually done in January, but Councilman Newbold did not start reporting his hours until April, May and June.

**TOWN OF GOSHEN
RESOLUTION**

**STANDARD WORK DAY AND REPORTING
INTRODUCED BY:** Supervisor Douglas Bloomfield
SECONDED BY: Councilman George Lyons
Dated: August 8, 2013

BE IT RESOLVED, that the Town of Goshen hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employee's Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day	Term Dates	Time Keeping Sys.	Days per ROA
Elected					
Town Councilman	Kenneth Newbold	8 hrs	1/1/10-12/31/13	N	6.79

On this 8th day of August, 2013

Valma Eisma
(Signature of Clerk)

Date enacted: August 8, 2013

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

E. NEW BUSINESS:

1. REVIEW FIRTHCLIFFE TECHNOLOGIES, INC. ANNUAL CONTRACT WITH TOWN OF GOSHEN FOR COMPUTER SUPPORT, AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME: Supervisor Bloomfield explained that this firm supplies our software and hardware service. He said that the firm has not increased their price in five years, and he stated that he has never received a complaint from the employees on the services this company provides.

Councilman Cappella made a Motion to authorize the Supervisor to sign the annual contract for computer support with Firthcliffe Technologies, Inc., Effective August 6, 2013 to August 5, 2014. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

2. REVIEW AND APPROVE MOTION REGARDING THE REQUEST TO HOLD THE ANNUAL TOUR DE GOSHEN ON AUGUST 18, 2013. THE ROUTE TRAVERSES THROUGH THE TOWN OF GOSHEN: Councilman Lyons made the Motion to approve the Annual Tour De Goshen to be held on August 18, 2013. The Motion was seconded by Councilman Canterino. Motion carried 4 to 0.

F. FINANCE: Councilman Cappella made a Motion to authorize the Supervisor to pay Accounts

Payable Check Run for 08/08/13 amounting to \$111,211.89. Councilman Lyons seconded the Motion. Motion carried 4 to 0.

G. Privilege of the Floor:

James Cimino stated that since the new Orange Regional Hospital and the new road construction going on at the hospital exit of the highway is so congested, people are using the side roads. He said that Cemetery Road is one of them, and there are very large heavy trucks traveling over it. Supervisor Bloomfield said he would talk to the Police, as this road has a five ton limit on it. Mr. Cimino said there is now a lot of traffic on that road and also on Philipsburg Road.

Joel Markowitz asked about the Police Discipline that has been on a number of agendas in the Executive Session and if the information will soon be available to the public. The Board and the Town Attorney agreed that this may lead to litigation in which it cannot be discussed at this time.

Councilman Cappella made a Motion to go into Executive Session, with intent not to return to discuss:

1. Turi Litigation Status
2. Status of Stack Certiorari
3. Krantz Property Maintenance Violation
4. P.D. Personnel Case Status
5. ADC Maplewood Litigation Stipulation.

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

Time: 8:30 pm

Valma Eisma, Town Clerk