

GOSHEN
TOWN BOARD MEETING
August 27, 2020
MINUTES

A meeting of the Town Board of the Town of Goshen was held on the 27th day of August, 2020 at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York via videoconference due to the recent Covid-19 pandemic.

Present:	Douglas Bloomfield	Supervisor
	Philip Canterino	Councilmember
	Richard Florio	Councilmember
	George Lyons	Councilmember
	Kenneth Newbold	Councilmember

Also Present:	Ashley Torre Esq.	Attorney
	Robert Rametta Esq.	Special Counsel - Tax Certiorari/Claims
	Priscilla Gersbeck	Town Clerk
	Mary Riso	Clerk to the Supervisor

CALL TO ORDER

The meeting was called to order by Supervisor Bloomfield at 7:30 pm and seconded by Councilperson Lyons. Motion carried.

OLD BUSINESS:

1. Discuss and approve resolution for settlement of Tax Certiorari RAD Realty Co. v. Town of Goshen, et al. and 78 Cypress LLC v. Town of Goshen, et al.

Attorney Rametta explained the financial benefits of settlement in the following resolutions.

TOWN OF GOSHEN RESOLUTION
Settling of Tax Certiorari Claim;
RAD REALTY CO. V. TOWN OF GOSHEN, et al
Section 10 Block 1 Lot 55

INTRODUCED BY: Councilperson Kenneth Newbold

SECONDED BY: Councilperson Philip Canterino

DATED: August 27, 2020

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 August, 2020;

WHEREAS, claimant, RAD REALTY CO., having commenced a tax certiorari proceeding against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for the 2016, 2017 and 2018 assessment years bearing Orange County Index Numbers EF004431/2016, EF005480/2017 and EF007057/2018; and

WHEREAS, it appears from the recommendations of Alan W. Eskew, the Town Assessor, and Robert M. Rametta, Esq., Special 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, RAD REALTY CO., is willing to settle these proceedings without interest, costs or disbursements, in the following manner: As set forth in annexed Stipulation of Settlement and Order and Judgment Reducing Assessments;

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

RESOLVED, that Alan W. Eskew, the Assessor of the Town of Goshen, 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;

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, Philip Canterino	<u>AYE</u>
Councilperson, Kenneth Newbold	<u>AYE</u>	Councilperson, Richard Florio	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>		

Vote: Resolution carried by a vote of 5 to 0.

Second Resolution:

TOWN OF GOSHEN RESOLUTION
Settling of Tax Certiorari Claim;
78 CYPRESS, LLC V. TOWN OF GOSHEN, et al
Section 10 Block 1 Lot 55

INTRODUCED BY: Supervisor Douglas Bloomfield

SECONDED BY: Councilperson Richard Florio

DATED: August 27, 2020

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 August, 2020;

WHEREAS, claimant, 78 CYPRESS, LLC, having commenced a tax certiorari proceeding against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for the 2019 assessment years bearing Orange County Index Numbers EF005213/2019; and

WHEREAS, it appears from the recommendations of Alan W. Eskew, the Town Assessor, and Robert M. Rametta, Esq., Special 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, 78 CYPRESS, LLC, is willing to settle these proceedings without interest, costs or disbursements, in the following manner: As set forth in annexed Stipulation of Settlement and Order and Judgment Reducing Assessments;

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

RESOLVED, that Alan W. Eskew, the Assessor of the Town of Goshen, 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;

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, Philip Canterino	<u>AYE</u>
Councilperson, Kenneth Newbold	<u>AYE</u>	Councilperson, Richard Florio	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>		

Vote: Resolution carried by a vote of 5 to 0.

2. **Information:** The Mulrad Sports, Fitness and Fun gym/fitness center reopened on August 24th. It was inspected by the Building Office and informed to be in compliance with Governor Cuomo's requirements outlined in his Executive Order for reopening gyms/fitness centers. The Straub facility has not reopened as of yet.

As stated, for information only.

3. **Information:** Final visual inspections and air sampling for asbestos abatement at the 6 Larchwood demolition site revealed complete success in razing the building.

As stated, for information only.

4. **Information:** A "punch list" for acceptance by the Town of Goshen of the Creamery Estates is being worked on. The last two houses to be built are currently under construction.

As stated for information only.

5. **Information:** A "punch list" for acceptance of the Town of Goshen of Heritage of Goshen is also being worked on. This list includes water/sewer items as well.

As stated, for information only.

6. **Information:** Sales Tax received August YTD by Orange County is -13.42% or \$-14,969,999 below budget; this translates to the Town of Goshen being \$-174,460 below our \$1,300,000 budget. Sales tax is a fund "B" revenue used for Road construction, Joint Recreation, Building Office Expenses and Police Department.

As stated, for information only.

7. **Information:** Planning for the Arcadia Hills water storage tank replacement is on schedule. Steve Gagnon of OCDOH should finish reviewing the plans in a week or two and we should be ready to solicit competitive bids (see attached email from Sean Hoffman).

The correspondence from Sean Hoffman, P.E. stated that DASNY has everything they need and he believes the project will go through NYS' environmental and financial review prior to the Town receiving a Grant Disbursement Agreement (GDA).

8. **Review and approve virtual meeting minutes for Town Board Meeting held on August 13, 2020.**

Councilperson Newbold made the motion to accept the minutes as presented and corrected for 8/13/2020. Councilperson Canterino seconded the motion.

Upon Roll Call Vote:

Supervisor Douglas Bloomfield	<u>AYE</u>	Councilmember Richard Florio	<u>AYE</u>
Councilmember Phil Canterino	<u>AYE</u>	Councilmember Kenneth Newbold	<u>AYE</u>
Councilmember George Lyons	<u>AYE</u>		

Vote: Motion carried by a vote of 5 to 0.

9. Discuss and agree on a path forward regarding repair of the Salesian Park fence and razing of the Salesian School Building.

Councilperson Florio noted that the JRC has ordered a replacement section of the fence that is broken at Salesian. Supervisor Bloomfield would like to see documentation from the JRC as to their plans to repair the rest of the fence and if any of the work can be done in house.

Councilperson Canterino and Sean Hoffman, P.E. are in the process of reviewing documents QUEST prepared years ago for asbestos removal in the Salesian School Building. Plans are being made to raze the school building.

NEW BUSINESS:

- 1. Discuss and approve a request and resolution authorizing the Goshen Town Court to apply for a 2020-21 JCAP Grant.**

**TOWN OF GOSHEN
RESOLUTION**

AUTHORIZATION TO THE TOWN OF GOSHEN COURT TO APPLY FOR A JCAP GRANT IN THE 2020-21 GRANT CYCLE UP TO \$30,000.00, OR THE EXACT AMOUNT BEING REQUESTED

INTRODUCED BY: Councilperson Kenneth Newbold

SECONDED BY: Councilperson George Lyons

DATED: August 27, 2020

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 August, 2020,

WHEREAS, The Town of Goshen Court wishes to apply for a JCAP Grant.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Goshen hereby authorizes the Town Court to apply for a JCAP Grant in the 2020-21 grant cycle up to \$30,000.00, or the exact amount being requested.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield AYE

Councilperson, George Lyons AYE

Councilperson, Philip Canterino AYE

Councilperson, Kenneth Newbold AYE

Councilperson, Richard Florio AYE

Vote: Resolution carried by a vote of 5 to 0

- 2. Review and approve a request by Police Chief James McDowell to hire Police Officer Paul Eagleston for a part-time position effective 8/31/2020. (See attached resume and application).**

Councilperson Canterino made the motion to approve a request by Police Chief James McDowell to hire Paul R. Eagleston as a Part-Time Town Police Officer effective August 31, 2020, at the current prevailing wage. Councilperson Lyons seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, George Lyons	<u>AYE</u>
Councilperson, Philip Canterino	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, Richard Florio	<u>AYE</u>		

Vote: Resolution carried by a vote of 5 to 0

3. The Town Budget Officer has prepared a Budget timeline for developing and approving the 2021 Budget (see attached schedule).

The timeline begins 8/31/20 with the working 1st draft ► 9/24/20 Town Bd. approves Tentative which now becomes Preliminary Budget ► 10/22/20 Public Hearing on Preliminary Budget & adopt as Final Budget.

4. Dutchess Quarry (Tilcon) is processing an application with the NYDEC to deepen the current quarry by 100 feet. A request for Sean Hoffman, PE, of H2M Engineering to follow this procedure as it could have possible impact on nearby residential wells (see Sean's email regarding the matter).

In 2011 the quarry submitted a similar request to NYSDEC. The Town's Hydrogeologist, Bill Canavan, reviewed the quarry's application along with hydrogeological assessments prepared in 2009. Mr. Canavan provided NYSDEC with technical comments regarding possible impact to surrounding residential water supply wells. Supervisor Bloomfield stated this may also affect Valley View Nursing Home and Northgate. Councilperson Canterino suggested more time is needed for analysis before any kind of approval is given. Sean Hoffman, P.E. recommends the Town forward the permit materials to Bill Canavan for review.

5. Information: Attached is an outline of dates, times and locations for early voting in the November election.

The list has been posted on the Town of Goshen website and on the lobby door entrance.

FINANCE

1. Councilperson Newbold made the motion to authorize the Supervisor to pay Manual A/P run for August 27, 2020 in the amount of \$3,357.51. Councilperson Florio seconded the motion.

On a Voice Vote:	5 AYES	Supervisor Bloomfield	Aye
		Councilperson Canterino	Aye
		Councilperson Lyons	Aye
		Councilperson Newbold	Aye
Motion Carried.		Councilperson Florio	Aye

2. Councilperson Lyons made the motion to authorize the Supervisor to pay Accounts Payable check run for August 27, 2020 in the amount of \$311,156.54. Councilperson Florio seconded the motion.

On a Voice Vote:	5 AYES	Supervisor Bloomfield	Aye
		Councilperson Canterino	Aye
		Councilperson Lyons	Aye
		Councilperson Newbold	Aye

Motion Carried.

Councilperson Florio

Aye

3. Approve year-to-date budget transfers requested by the Budget Officer.

The Town Budget Officer has requested to make YTD budget transfers in all funds to cover Expenditure Accounts that have exceeded their budgeted amounts. The attached list includes: Fund A-General Town Wide, Fund B-General Outside, Fund DB-Highway-Outside, Fund SA-Hambletonian Park Sewer, Fund SB-Arcadia Hills Sewer, Fund SC-Hambletonian Park Water, Fund SD-Arcadia Hills Water, and SF-Scotchtown Water. Transfer details are available in the Clerk's Office.

Councilperson Lyons made the motion to approve the YTD budget transfers as presented by the Budget Officer. Councilperson Newbold seconded the motion.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield AYE

Councilperson, George Lyons AYE

Councilperson, Philip Canterino AYE

Councilperson, Kenneth Newbold AYE

Councilperson, Richard Florio AYE

Vote: Resolution carried by a vote of 5 to 0

Supervisor Bloomfield noted that Orange & Rockland Utilities are busy preparing for the upcoming remnants of Tropical Storm Laura.

ADJOURNMENT: Time 8:25pm

Councilperson Newbold made the motion to adjourn. Councilperson Florio seconded the motion.
Motion Carried.

Priscilla Gersbeck, Town Clerk