

TOWN OF GOSHEN  
TOWN BOARD WORK SESSION  
**October 22, 2012**  
MINUTES

A work session of the Town Board of the Town of Goshen was held on the 22nd day of October, 2012 at 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

Also Present: Dennis Caplicki Attorney for the Town  
Priscilla Gersbeck Deputy Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:35pm, followed by the Pledge of Allegiance.

**1. PUBLIC HEARING:**

**LOCAL LAW #1 OF 2012- ENTITLED "VEHICLES AND TRAFFIC', ARTICLE TWO  
STOP INTERSECTIONS"**

**RE: Installation of stop signs on Cheechunk Road at the intersection with Owens  
Road**

Supervisor Bloomfield stated that this Local Law was passed on September 10<sup>th</sup> of 2012. However, the public notice was not published in the local paper for this date. Therefore, another public notice was published regarding this Public Hearing.

Councilman Cappella made a motion to open the public hearing on Local Law #1 of 2012, entitled "Vehicles And Traffic', Article Two Stop Intersections". Councilman Lyons seconded the motion. On a Voice Vote, the motion passed: 4 AYES Bloomfield, Cappella, Lyons, Newbold  
0 NAYS

Supervisor Bloomfield called for comments from the public.

**Daniel Ronga**, Cheechunk Road, submitted a letter which is acknowledged in the September 10<sup>th</sup> meeting minutes. He informed the Board that since September 10<sup>th</sup>, there have been five (5) more accidents in the same vicinity on Cheechunk Road. He believes that the stop signs are a good idea to prevent accidents, if not to at least slow down the traffic.

Councilman Cappella made a motion to close the public hearing on Local Law #1 of 2012.  
Councilman Lyons seconded the motion.  
On a Voice Vote, the motion passed: 4 AYES Bloomfield, Cappella, Lyons, Newbold  
0 NAYS

Councilman Lyons made a motion to adopt Local Law #1 of 2012, entitled "Vehicles And Traffic', Article Two Stop Intersections". Councilman Cappella seconded the motion.

Discussion:  
Supervisor Bloomfield (agreeing with Council) believes that this is a step in the right direction.

Upon Roll Call Vote:  
Supervisor, Douglas Bloomfield AYE Councilperson, Philip Canterino ABSENT  
Councilperson, Louis Cappella AYE Councilperson, Kenneth Newbold AYE  
Councilperson, George Lyons AYE

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

**2. REVIEW REQUEST TO WAVE THE 30 DAY LEAD TIME FOR PROCESSING A LIQUOR LICENSE FOR PALACIO CATERING, VALDEN, INC.**

Attorney Caplicki explained that this is for Valden Inc., the new owner of the former Owen Murphys who has applied for a NYS Liquor License. According to State Liquor Authority Laws, the Town of Goshen has to be notified 30 days prior to receiving the liquor license from SLA. For some reason it wasn't submitted earlier. This establishment has been under renovations for the past two to three years and is ready for a holiday season opening. The Resolution acknowledges that the Town of Goshen has received notification and that everything is in order to waive the 30 day requirement.

**TOWN OF GOSHEN  
RESOLUTION**

**Waiver of 30 Day Advance Notice with Respect to Liquor License Application; Valden, Inc. d/b/a Palacio Catering**

**INTRODUCED BY:** Councilman George Lyons  
**SECONDED BY:** Councilman Kenneth Newbold  
**DATED:** October 22, 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 22nd day of October, 2012

WHEREAS, the Town Clerk of the Town of Goshen has received a notice form from Valden, Inc. d/b/a Palacio Catering which notice form constitutes a 30 day advance notice that the applicant, Valden, Inc. has applied for and intends to operate its business with a liquor license to be issued by the New York State Liquor Authority, and

WHEREAS , the Town of Goshen and its municipal departments are familiar with the applicant and its activities, including but not limited to, site plan and building permit applications to the Town, and

WHEREAS, the Town Board of the Town of Goshen believes the applicant and its business operation will be an asset to the Town of Goshen community,

NOW, BE IT THEREFORE RESOLVED that the Town Board of the Town of Goshen does hereby acknowledge receipt of the pertinent 30 day advance notice with respect to Valden, Inc., an applicant which intends to operate a business, including a new liquor license upon issuance by the State Liquor Authority, within the Town of Goshen and the Town does hereby waive any requirement that said applicant wait any time period from the date of service of such 30 day advance notice before the applicant may apply for and /or operate under any pertinent liquor license which may be granted by the State Liquor Authority of the State of New York

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.*

**3. REVIEW AND APPROVE A CONTRACT WITH THE GOSHEN HUMANE SOCIETY TO PROVIDE DOG CONTROL SERVICES**

The contract has not been presented. This topic is postponed.

**4. DISCUSS AND APPROVE APPOINTMENT OF PAUL F. HEPPESS TO THE GOSHEN JOINT RECREATION BOARD**

Councilman Lyons stated that Paul Heppes is the only person who has applied for the "Commissioner at Large" position on the joint Goshen Recreation & Parks Commission. Accordingly, his application has to be approved by the Town and the Village. It is understood that the Village will approve his application tonight.

Councilman Newbold made the motion to approve Paul Heppes to the JRC as Commissioner at Large. Councilman Cappella seconded the motion.

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

**5. DISCUSS PROCESSING OF OUR RFP FOR ASBESTOS REMOVAL FROM THE SALESIAN PARK SCHOOL BUILDING**

Councilman Lyons explained that the bids are in for this project. Both the Town and the Village are in agreement that the money (lowest bid \$386,000.00) is not available. With the economy as it is, it

was decided to get a RFP for just the asbestos removal. We have two studies for asbestos removal. Quest is the most recent and updated. Currently, Riddick Associates are working with Quest to design an asbestos removal report. Therefore, the RFP for this project isn't ready.

Councilman Lyons made the motion to reject any/all of the bids submitted for the demolition of the Salesian School building based on the fact that the bid prices were too high. Councilman Newbold seconded the motion.

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.*

**6. ACCEPT THE RESIGNATION OF MEREDITH MANTE, PART-TIME COURT CLERK, EFFECTIVE NOVEMBER 2, 2012**

Meredith Mante has accepted a full time position with the Center For Discovery in Sullivan County.

Councilman Newbold made the motion to accept the resignation of Meredith Mante effective November 2, 2012. Councilman Cappella seconded the motion.

Discussion: The judges will send her a letter of appreciation for the great job she has done here.

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

**7. REVIEW AND APPROVE REQUEST FOR TOWN ACCEPTANCE OF CANNON HILL ROAD FROM THE DEVELOPER, RELEASE OF THE PERFORMANCE GUARANTEE AND ESTABLISHMENT OF A MAINTENANCE BOND**

Attorney Caplicki responded that all of the involved Town departments have signed off on this. However, the final documentation has not been presented for review. Hopefully, this will be available to act upon at the Thursday meeting.

**8. REVIEW AND APPROVE RESOLUTION TO SETTLE A TAX CERTIORARI WITH WOODLAND ESTATES**

Woodland Estates LLC (Houston Road) consists of 24 lots. The following Resolution resolves the tax certiorari for the years of 2009, 2010, 2011 and 2012.

**TOWN OF GOSHEN  
RESOLUTION**

**Settling of Tax Certiorari Claim(s); WOODLAND ESTATES, LLC v. The Assessor and the Board of Assessment Review**

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman George Lyons

DATED: October 22, 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 22nd day of October, 2012

WHEREAS, Woodland Estates, LLC has previously initiated against the Assessor of the Town of Goshen and the Board of Assessment Review, tax certiorari proceedings for assessment years 2009 and following under Index Nos. 2009-7821, 2010-008249, 2011-007617, and 2012-005933, 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, that subsequent to a thorough investigation of the claims that further proceedings and litigation would involve considerable expense to the Town of Goshen and with the attendant uncertainty of the outcome and that the settlement of the above matters as more fully set forth in the annexed proposed Stipulation of Settlement is reasonable and in the best interests of the Town; and

WHEREAS, petitioner, Woodland Estates, LLC, is willing to settle these proceedings without interest, costs or disbursements, in the manner as set forth in the annexed Stipulation of Settlement, and

WHEREAS, the Goshen Central School District and its counsel has approved the Stipulation as set forth in the annexed Stipulation

NOW, THEREFORE, BE IT 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 JoAnn Soules, Assessor of the Town of Goshen and/or Dennis P. Caplicki, Esq., be and they are hereby designated as the pertinent Officers of the Town of Goshen who are authorized to sign or execute any and all documents necessary to effectuate this resolution.

Discussion: Councilman Lyons suggested striking '*Town of Goshen*' in paragraph #7 - second line, of the Stipulation Of 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.

**EXECUTIVE SESSION**

Councilman Newbold made the motion to enter into Executive Session to discuss the following:

1. DISCUSS STATUS OF AL TURI LITIGATION
2. DISCUSS STATUS OF MTBE LITIGATION
3. DISCUSS PROPOSED KRG TAX CERTIORARI
4. DISCUSS DEVELOPMENT OF POTENTIAL CONTRACT CHANGES IN REGARD TO WORKMENS COMPENSATION, MEDICAL AND LIABILITY INSURANCE POLICIES

with the intent not to return. The motion was seconded by Councilman Lyons. Motion carried

**ADJOURNMENT:** 8:10PM

---

Priscilla Gersbeck, Deputy Town Clerk