

TOWN OF GOSHEN
TOWN BOARD MEETING

November 25, 2019
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 25th day of November, 2019 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 Van Der Molen	Councilmember

Absent:	Kenneth Newbold	Councilmember
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Also Present:	John Ahearn III	Attorney
	Priscilla Gersbeck	Town Clerk

A. CALL TO ORDER

The meeting was called to order by Supervisor Bloomfield at 7:30 pm, followed by the Pledge of Allegiance. Supervisor Bloomfield acknowledged guest William Farrell, a student majoring in Finance at New Paltz.

B. AMENDMENT TO THE AGENDA

C. PRIVILEGE OF THE FLOOR (agenda items only)

D. REPORTS

Councilperson Gallo reported on the Joint Recreation Committee. The Little League President presented a list of projects they would like to see done in 2020 as follows: 1) replace the existing storage sheds for all fields 2) another score board for the Minor's Field 3) drainage system for the flooded fields 4) bleachers for the softball fields 5) netting for the baseball Minor's Field first base line and 6) temporary fencing for two fields. On another note, the Radio City Music Hall bus trip for December 5th is full. The water is shut off at Craigville Park and will be shut off at the other parks. Also, the JRC is in the final stages of reviewing designs/cost of construction for the skate board park.

Councilperson Lyons read the report submitted from Highway Superintendent Broderick Knoell as follows:

Re: Highway Department Report – November 2019

- 1. We were quite surprised when Sal Murabito abruptly retired from his MEO position of almost 23 years. Sal's last day was November 20, 2019. We wish Sal the best of luck in his retirement.*
- 2. In response to Sal's retirement we have interviewed and hired Joseph Schweizer as a replacement. Joseph comes to us with over four (4) years' experience with the Village of Warwick DPW. Mr. Schweizer possesses a class B CDL and will join the Highway Department as a first year MEO.*
- 3. Highway has spent about eight (8) days with the removal of leaves and brush from the developments this month to date. More will be removed after Thanksgiving as some stubborn trees have yet to drop their leaves.*

4. *We again rented the boom mower on October 28th to clear brush from along the roads. This work is ongoing.*
5. *A rotted out driveway culvert was replaced at #26 Everett Road.*
6. *We have had several possible ice/snow events this month. Fortunately none came to fruition, yet the trucks have to be readied for leaves and then changed back to be ready for snow. Trucks are readied for snow before every weekend or holiday as a precaution.*
7. *The Highway department worked a day with O&R/Nelson Tree Service removing dangerous dead trees along Owens and Wood Roads.*
8. *A dump truck was sent for one day to help the Town of Hamptonburg haul stone for chip sealing.*
9. *One (1) day was spent with the crew cleaning up from wind damages on 11/1/19 and a drainage easement was cleared off of Strack Road with the excavator.*
10. *We had a new stainless steel dump body installed on mason dump truck #6.*

Councilperson Van Der Molen the Senior Center Commission did not meet this month. No report.

Supervisor Bloomfield reported he attended the grand opening ribbon cutting at Element Salon & Spa, located at 48 West Main Street. He also attended a Community Preservation Workshop in Newburgh. Discussion covered how to save open space. The Town of Goshen has purchased four farms in the past. An idea brought up was one that Warwick has on the books, a tax of 2% is charged every time a property is transferred. Another event he attended was at the Orange County Emergency Services Center on Wells Farm Road. Assemblyman Colin Schmitt hosted the Inaugural 99th Assembly District Veterans' Hall of Fame. The Town of Goshen nominated Richard Grabowski, U.S. Army Disabled Veteran for an award into the Veterans' Hall of Fame. Lastly, Building Inspector Neal Halloran issued a violation to Legoland construction site on Sunday. All earth moving work is stopped. Other work can continue.

E. OLD BUSINESS:

1. **REVIEW AND APPROVE A PROPOSED TAX CERTIORARI SETTLEMENT RESOLUTION REGARDING PRAG HOLDING, LLC vs. TOWN OF GOSHEN, ET AL.**

Attorney Robert Rametta submitted a proposed Consent Judgement which settled all outstanding cases with Prag Holding (15 Matthews Street), a spreadsheet showing the refunds and a proposed Resolution to the Board.

**TOWN OF GOSHEN
RESOLUTION
Settling of Tax Certiorari Claim;
PRAG HOLDING, LLC v. TOWN OF GOSHEN, ET AL
Section 119 Block 1 Lot 3
INTRODUCED BY: Councilperson John Van Der Molen
SECONDED BY: Councilperson George Lyons
DATED: November 25, 2019**

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 25th day of November, 2019;

WHEREAS, claimant, PRAG HOLDING, LLC, 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 assessment years of 2015, 2016, 2017, 2018 and 2019 bearing Orange County Index Numbers 005646/15, 004969/16, 005192/17, 007379/18 and 005525/19; and

WHEREAS, it appears from the recommendations of Alan W. Eskew, the Town Assessor, and Robert M. Rametta, Esq., Counsel for the Town of Goshen, in the aforesaid proceeding, 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, PRAG HOLDING, LLC, is willing to settle these proceedings without interest, costs or disbursements, in the following manner: As set forth in annexed Consent Judgment;

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

RESOLVED, that the Alan W. Eskew, the Town Assessor, 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, Melissa Gallo	<u>AYE</u>
Councilperson, Kenneth Newbold	<u>ABSENT</u>	Councilperson, John VanDerMolen	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>		

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

2. REVIEW AND APPROVE A TOWN OF GOSHEN CREDIT CARD POLICY – CARRYOVER FROM OUR LAST TOWN BOARD MEETING.

Attorney Golden designed a Credit Card Policy (on file in the Clerk's office) authorizing the Town Supervisor - maximum credit line of \$2,500 and Town Highway Supt., a maximum credit line of \$2,500 signing authority.

Councilperson Lyons made the motion to accept the Town of Goshen Credit Card Policy as presented.

Councilperson Gallo seconded the motion.

Discussion: Councilperson Lyons asked who is designated (4B) to serve as Program Administrator if the Town Budget Officer is absent. Answer: our Internal Auditor, William Standish.

Upon Roll Call Vote:

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

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

3. REVIEW AND APPROVE A REQUEST BY THE TOWN OF GOSHEN BUDGET OFFICER TO EFFECTUATE YEAR-TO-DATE BUDGET TRANSFERS IN ALL FUNDS TO COVER EXPENDITURE ACCOUNTS THAT HAVE EXCEEDED BUDGETED AMOUNTS. THUS FAR, YEAR-TO-DATE, "FUND BALANCES" HAVE NOT BEEN USED TO COVER EXPENDITURE AMOUNTS.

Christine Cavaliere, Budget Officer, is requesting to make year-to date budget transfers. These transfers will be funded by Contingency Account budgets and from accounts with excess budget amounts available for transfer.

Councilperson Van Der Molen made the motion to authorize the Budget Officer to make year-to-date budget transfers in all funds to cover Expenditure Accounts that have exceeded their budgeted amounts. Councilperson Gallo seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, Van Der Molen
0 NAYS
1 ABSENT Newbold

F. NEW BUSINESS:

- 1. DISCUSS AND PASS A RESOLUTION TO FORWARD A COPY OF THE 2018 TOWN OF GOSHEN JUSTICE COURT AUDIT BY NUGENT & HAEUSSLER, P.C. DATED NOVEMBER 1, 2019, TO THE INTERNAL CONTROL LIASON SECTION OF THE NYS UNIFIED COURT SYSTEM.**

Supervisor Bloomfield stated that the Judges have received a copy of the Justice Court Audit for the fiscal year ending December 31, 2018. There are nine areas of improvement. According to Section 2019-a of the uniform Justice Court Act, municipalities annually provide their court records and dockets to the auditing boards for examination. The State of New York requests a copy of the audit and a copy of the resolution acknowledging that the required examination was conducted.

**TOWN OF GOSHEN
RESOLUTION**

Town's acknowledgement that 2018 audit of the Town of Goshen Justice Court was performed pursuant to Section 2019-a of the Uniform Justice Court Act

INTRODUCED BY: Councilperson George Lyons

SECONDED BY: Councilperson Melissa Gallo

DATED: November 25, 2019

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 25th day of November, 2019.

WHEREAS, pursuant to Section 2019-(a) of the State of New York Uniform Justice Act, the Town of Goshen is required to annually provide the Town Justice Court records and dockets to be examined and audited by an independent auditor, and

WHEREAS, the Town of Goshen has provided such records and dockets to be examined and audited by the firm of Nugent & Haeussler, P.C., certified public accountants, and

WHEREAS, the firm of Nugent & Haeussler, P.C. has performed such audit for the year 2018 which audit is dated November 1, 2019 and delivered such audit to the Town of Goshen on November 15, 2019.

NOW, BE IT THEREFORE RESOLVED that pursuant to the requirements of Section 2019-(a) of the State of New York Uniform Justice Act, the Town Board of the Town of Goshen hereby acknowledges that the above required examination/audit was conducted.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield AYE

Councilperson, Melissa Gallo AYE

Councilperson, George Lyons AYE

Councilperson, Kenneth Newbold ABSENT

Councilperson, John Van Der Molen AYE

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

2. INFORMATION: THE PRESIDENT, CORPORATE COMMUNICATIONS DIRECTOR AND CORPORATE SUSTAINABILITY DIRECTOR FOR AMY'S KITCHEN MET WITH THE TOWN SUPERVISOR, BUILDING INSPECTOR AND PLANNING BOARD ATTORNEY FOR AN INFORMATIONAL EXCHANGE IN REGARD TO PROJECT PLANNING AND CURRENT PROGRESS.

As stated, for information only. Amy's Kitchen plans to begin construction in the summer of 2020 with a completion date in 2021.

3. REVIEW A LIST OF OBSOLETE VEHICLES AND AUTHORIZE THE BUDGET OFFICER TO DISPOSE OF THEM AS SCRAP.

A list of surplus vehicles (9) unable to pass inspection/no longer road worthy has been submitted to be scrapped. The Board discussed several options.

Councilperson Lyons wanted to know if the vehicles could be sold at auction. Our mechanic determined these vehicle would never pass inspection. He asked if they could be sold for parts. He believes some of the parts may have more value than as scrap. He isn't sure we are following all of the rules and regulations to get rid of the vehicles. It was determined that it would take more work than it is worth the effort. It is best to scrap them for safety reasons.

Councilperson Van Der Molen made the motion to scrap all of the listed (9) vehicles. Councilperson 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 Van Der Molen	<u>AYE</u>
Councilperson, George Lyons	<u>NAY</u>		

Vote: Motion carried by a vote of 3 to 0.

4. SET THE 2020 TOWN OF GOSHEN RE-ORGANIZATION MEETING FOR JANUARY 2, 2020 AT 7:00PM AT TOWN HALL, 41 WEBSTER AVENUE.

Councilperson Lyons made the motion to set the public hearing for the 2020 reorganization meeting to be held on Thursday, January 2, 2020 at 7:00 p.m. at 41 Webster Avenue. Councilperson Van Der Molen seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, Van Der Molen
0 NAYS
1 ABSENT Newbold

5. DISCUSS TWO REQUESTS BY HERITAGE ESTATES RESIDENTS FOR A REDUCTION IN THE LAST QUARTER'S SEWER BILL. NEITHER HOMEOWNER WAS AWARE THAT SEWER BILLS ARE CALCULATED BASED ON WATER CONSUMPTION AND NOW ARE REQUESTING THEIR SEWER BILLS BE REDUCED SINCE PART OF THE WATER THEY USED WAS FOR WATERING THEIR LAWNS AND DID NOT ENTER THE SEWER SYSTEM.

Supervisor Bloomfield reviewed requests from two homeowners in the Heritage of Goshen subdivision

. The residents claim with new construction and installation of a new lawn, they were advised to water daily for proper growth. Both were billed in excess for outdoor watering not knowing it would be reflected in their water/sewer bill. They are requesting an adjustment/reduction in their water/sewer bill. Supervisor Bloomfield called for comments from the Board. After a lengthy discussion, the consensus was not to give the homeowners an adjustment/reduction. The reason being not to set a precedent for new homeowners moving into water/sewer districts. It was decided for Mary Riso to mail a "Water/Sewer Notice" to residents in all water/sewer districts that any outdoor watering will be registered on their meter and will be billed accordingly.

G. FINANCE:

Councilperson Lyons made the motion to authorize the Supervisor to pay Accounts Payable check run for 11/25/2019 in the amount of \$628,485.72. Councilperson Gallo seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, Van Der Molen
0 NAYS
1 ABSENT Newbold

H. MINUTES:

Councilperson Lyons made the motion to approve the minutes of the Town Board meeting of 10/24/2019. Councilperson Van Der Molen seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Gallo, Lyons, Van Der Molen
0 NAYS
1 ABSENT Newbold

I. PRIVILEGE OF THE FLOOR

None at this time.

J. ADJOURNMENT: 8:25 PM

Councilperson Lyons made the motion to adjourn the meeting. Councilperson Van Der Molen seconded the motion. Motion carried.

Priscilla Gersbeck, Town Clerk