

TOWN OF GOSHEN
TOWN BOARD MEETING
December 11, 2014
MINUTES

A Regular Meeting of the Town Board of the Town of Goshen was held on the 11th day of December, 2014 at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

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

Also Present:	Dennis Caplicki	Attorney for the Town
	Valma Eisma	Town Clerk

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

B. AMENDMENT TO THE AGENDA: Supervisor Bloomfield stated he would like to add ADC Maplewood Development Agreement status, #5 under Old Business

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

D. OLD BUSINESS:

1. Discuss and Approve Resolution to Authorize the D.P.W. Superintendent to Remove Two Abandoned Water Storage Tanks in Hambletonian Park Water District for the Cost of Salvage:

Supervisor Bloomfield asked Attorney Caplicki to review the Resolution for the Board, and the Board discussed the condition of the water tanks, and the serious danger to the residents in the Hambletonian Park Water District. The Board acted upon the following Resolution:

**Town of Goshen
Resolution
EMERGENCY REMOVAL OF ABANDONED WATER STORAGE TANKS**

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY Councilman Louis Cappella

Dated: December 11, 2104

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York in said Town on the 11th day of December 2014

WHEREAS, presently there exists two (2) abandoned water storage tanks on real property located within the Hambletonian Park Water District, and

WHEREAS, the condition of said water storage tanks is known by the Superintendent of Highways of the Town of Goshen, The Senior Water Operator for the Town of Goshen, and engineer personnel of Riddick Associates, Town Engineers, and

WHEREAS, it is the conclusion and recommendation of the aforementioned individuals that the abandoned water tanks constitute a serious danger to the residents and property of citizens located in the Hambletonian Park Water District to the extent that an emergency exists, and that every effort should be made to demolish, and immediately remove the two (2) abandoned water storage tanks in order to preserve the public safety,

NOW, BE IT THEREFORE RESOLVED that the Town Board of the Town of Goshen as commissioners of the Hambletonian Park Water District, do hereby direct the Superintendent of Highways, the Chief Water Operator, for the Town of Goshen, and the Town Engineers, Riddick Associates to take whatever steps and, complete whatever work necessary to remove and dispose of the aforementioned abandoned water storage tanks located within the Hambletonian Park Water District in the most expeditious manner at the least cost to the residents of the water district.

Upon Roll Call Vote:

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

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

2. Continue Discussion Regarding Establishment of the Young's Grove Sewer District: Engineer unable to attend tonight's meeting, tabled to next meeting.

3. Discuss and Approve Stand-By Generator Bids: Supervisor Bloomfield reviewed the following bids:

<u>Bidder's Name</u>	<u>Address</u>	<u>Bid Amount</u>
Peak Power Systems, Inc.	99 Sprague Avenue Albany, New York 12204	\$ 27,100.00
Kingsley Power Systems	60 Loudonville Road Albany, New York 12204	\$ 26,950.00

Councilman Newbold made a Motion to accept the Kingsley Power Systems bid of \$26,950.00, The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Councilman Cappella made a Motion to authorize the Superintendent of Highways to effectuate this purchase of the Arcadia Hills Stand-by Generator from Kingsley Power Systems, and ready it for

installation into the Arcadia Sewer System. Motion seconded by Councilman Newbold. Motion carried unanimously.

**4. Resolution: Release of Performance Bond With Respect to Elant Place / Harriman Drive
Emergency Access Road; Lifestyle Concepts, LLC:**

Attorney Caplicki explained that this is a Corrective Resolution, as there was an error in the original one the Board approved at an earlier meeting.

Attorney Caplicki reviewed the following resolution, and the Board acted upon it:

**TOWN OF GOSHEN
RESOLUTION**

**Release of Performance Bond With Respect to Elant Place / Harriman Drive
Emergency Access Road; Lifestyle Concepts, LLC**

(CORRECTIVE RESOLUTION)

INTRODUCED BY: Councilman Philip Canterino

SECONDED BY: Councilman George Lyons

DATED: December 11, 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 11th day of December 2014.

WHEREAS, Lifestyle Concepts, LLC previously deposited with the Town of Goshen a Performance Bond in the total amount of \$38,382.09 in connection with the construction of an access road to the Elant Project, and

WHEREAS, said construction of an emergency access road related to the Elant Project was never initiated, and

WHEREAS, by correspondence dated October 7, 2014, Lifestyle Concepts, LLC has requested that it's posted Performance Bond be released based upon the emergency access road to the Elant project never having been initiated and the understanding with the Village of Goshen and it's municipal Boards that should the project be reinitiated that the issue (s) of an appropriate Performance Bond, and inspection fees will be re-examined. And

NOW, BE IT THEREFORE RESOLVED that the Town Board of the Town of Goshen does hereby approve the release of the aforementioned Performance Bond as posted by Lifestyle Concepts, LLC with the Town of Goshen in 2006, and the Town Clerk of the Town of Goshen is hereby authorized to sign any and all document (s) as necessary and, take such other actions and procedures as appropriate, so as to a effectuate the terms hereof.

Upon Roll Call Vote:

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

Councilman Philip Canterino AYE
Councilman Kenneth Newbold AYE

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

5. ADC Maplewood Development Agreement: Attorney Caplicki stated he has not heard from the developer or their attorney at this time. No Action.

E. NEW BUSINESS:

1. Discuss and Approve Resolution to Hire and Appoint Dennis P. Caplicki, Esq. Robert Rametta, Esq. and John Swift, Esq. as Special Council to Represent the Town of Goshen: Attorney Caplicki reviewed the Resolution, and the Board proceeded to act on it.

**TOWN OF GOSHEN
RESOLUTION**

Designation and Hiring of Dennis P. Caplicki Esq., Robert Rametta Esq., and John Swift Esq. as Special Counsel to Represent the Town of Goshen

INTRODUCED BY: Councilman Philip Canterino

SECONDED BY: Councilman Louis Cappella

DATED: December 11, 2014

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held at the Town Hall in said Town on the 11 day of December, 2014

WHEREAS, the Town of Goshen has in the past and will continue in the future to require the assistance of professional legal advice and counsel for a myriad of municipal legal matters and issues, and

WHEREAS, the Town of Goshen has previously appointed and hired Dennis P. Caplicki Esq. as Attorney for the Town of Goshen to provide the Town of Goshen and its municipal boards and employee legal advice and counsel, and

WHEREAS, due to a change in circumstances and the unavailability of Dennis P. Caplicki Esq. to continue in the appointive capacity of Attorney for the Town of Goshen, and

WHEREAS, that the Town of Goshen needs to appoint/hire special counsel to represent the Town of Goshen with respect to a myriad of legal matters and issues,

NOW, BE IT THEREFORE RESOLVED that the Town of Goshen, does hereby appoint/hire, effective immediately, Dennis P. Caplicki Esq. at regularly prescribed and agreed upon municipal

hourly rates as special counsel to represent the Town of Goshen with respect to tax certiorari litigation involving claims interposed by the Al Turi Landfill, Inc.; Robert Rametta Esq. at regularly prescribed and agreed upon municipal hourly rates as special counsel to represent the Town of Goshen with respect to tax certiorari and small claims assessment review matters and/or claims interposed against the Town of Goshen and as alternate prosecutor for the Town of Goshen with respect to vehicle and traffic violations; and John Swift Esq. at regularly prescribed and agreed upon municipal hourly rates as special counsel to advise and counsel the Town Board of the Town of Goshen with respect to miscellaneous municipal issues; all such special counsel to serve at the pleasure of the Town Board of the Town of Goshen.

In discussion Councilman Newbold stated he felt there was not enough time given to the selection, he felt more candidates should have been interviewed for their municipal experience. He said he would be voting no.

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>NAY</u>
Councilman George Lyons	<u>AYE</u>		

Vote: Resolution carried by a vote of 4 to 1.

F. FINANCE: Councilman Canterino made a Motion to authorize the Supervisor to pay Manual A/P Runs as of 12/02/2014 amounting to \$16,025.45; and Accounts Payable Check Run for 10/09/14 amounting to \$221,527.79. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

G. PRIVILEGE OF THE FLOOR: No public response from the public. The Board thanked Attorney Dennis Caplicki for his years of service, and wished him well in his retirement.

Supervisor Bloomfield welcomed Robert Rametta, Esq. and John Swift, Esq. to their new positions.

H. ADJOURNMENT: Councilman Canterino made a Motion to adjourn the meeting, with intent not to return, to discuss the Al Turi Tax Certiorari Litigation Update. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Time: 8:18 p.m.

Valma Eisma, Town Clerk