

**TOWN OF GOSHEN**  
**TOWN BOARD MEETING**  
**December 13, 2012**

**MINUTES**

A Regular Meeting of the Town Board of the Town of Goshen was held on the 13<sup>th</sup> day of December, 2012 at 7:30 p.m. 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
	Kenneth Newbold	Councilman
	Louis Cappella	Councilman
	George Lyons	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 p.m. and led the Pledge of Allegiance.

**B. AMENDMENT TO THE AGENDA:** Supervisor Bloomfield said he would like to delete numbers one and two under old business, as he does not have the contract in hand.

Supervisor Bloomfield introduced a group of ladies from Shen Yun Promotions International, and said he would like to invite them to come back in January, and attend one of our work sessions. They would like the opportunity to do a presentation explaining their performing arts program that heralds 5,000 years of China's culture.

Mela Wu, Vice President of Corporation Relations addressed the Board, and introduced the other three ladies. She explained where they are located, and spoke about the presentation they would be giving the Board.

**D. REPORTS:**

**COUNCILMAN PHILIP CANTERINO** reported the Police Department has hired a consultant, and he has visited the Police Station on three occasions. He has not yet issued any reports, but he is discussing issues with the officers, reviewing the records, and he will be meeting with the Board soon to discuss his findings

**COUNCILMAN GEORGE LYONS** gave the following report on Joint Recreation: The samples were taken at the old Salesian Building, and he is supposed to get some results next week. When the results have been reviewed the Board will be ready to develop a RFP for asbestos abatement.

Councilman Lyons reported the parks have been winterized. The annual Radio City trip was held on December 6<sup>th</sup> and there were two bus loads. The storm "Sandy" closed the Salesian Park for about a week and a half, to allow for cleanup of downed trees and brush. Various activities are still continuing,

Zumba, Volley Ball, Drama Kids, and anyone who needs more information on the other activities can go to [goshenrecreation.com](http://goshenrecreation.com).

Councilman Lyons referred to the insurance the Board talked about at Monday's meeting, and said that he is meeting with Greg Townsend and Supervisor Bloomfield, if he is available, to sign the documents for the liability insurance for 2013.

**COUNCILMAN KENNETH NEWBOLD** stated he did not have a report, but would like to take this opportunity to thank Mark Warren and the Highway Superintendent, for the work they do in the Water/Sewer Districts. He also said he wanted to thank the Board for their co-operation throughout the year. He said "it is a pleasure working with you gentlemen, and I look forward to working with you in 2013. He said "no matter what the issue, we make decisions on the basis of what is good for the Community, rather than what is good for ourselves." He wished the Board a Merry Christmas and a Happy New Year.

**COUNCILMAN LOUIS CAPPELLA** reported that Highway has been able, due to the nice weather, to go out and pick up some more brush and debris from the Hurricane in the subdivisions.

He reported starting January 1<sup>st</sup> they will be painting the main, major hall of the Senior Center. He said that money was put in the budget last year to do this, and perhaps next year there will be funds available to finish painting the rest of the building.

He wished everyone a Merry Christmas and a Happy New Year.

**SUPERVISOR BLOOMFIELD** reported that he and Councilman Newbold went to a County Legislature meeting last Thursday. He said he had the opportunity to speak, on behalf of the Board, in regard to the request of the County DPW to spend a million dollars to evaluate building a new sewer plant in Chester. He said there were two citizens, Two Town Supervisors, and the Village Mayor of Chester present. He said all spoke on the subject, and said not to spend a million dollars at this time for various reasons. The Supervisor stated that Goshen has an aquafir that is fed by Purgatory Swamp, which is fed by the Black Meadow and Otterkill Creeks. He said "It is my understanding that this proposed sewer plant will put water into the Black Meadow Creek, which will feed into our Purgatory Swamp, which feeds our aquafir. The Supervisor stated that based on this, the County Legislature sent it back to committee.

Supervisor Bloomfield explained that the Board, along with the Environmental Review Board, spent time and money to obtain special classification for the Purgatory Swamp, the Black Meadow Creek and the Otterkill Creek. He said "that really raises the bar as to what can be done to these waterways".

The Supervisor reported that he and Councilman Canterino had their first meeting with the CSEA negotiators. He said it seemed to go quite well, they introduced the concept of the MVP Medical Insurance, and the next meeting will be on the 20<sup>th</sup> of December.

Supervisor Bloomfield said the Water/Sewer Department is installing water meters in Stonehedge. He said this has been going on for some time on a replacement system, when one breaks, a new one is installed. He said they are working with the Budget Officer for the funds, and they are better than half way through. He said this is the last water district to receive meters.

**E. OLD BUSINESS:**

**1. REVIEW AND DISCUSS MOTION REGARDING A MODIFIED TOWN TOWING POLICY:**

Attorney Caplicki explained the Board has in front of them the existing policy, slightly modified. He referred to page 3, under the Operation of Towing List Procedures. He called attention to the two rotational towing lists which will be kept at the Town of Goshen Police Department. One for normal passenger vehicles and light trucks, the second for larger commercial type vehicles.

He pointed out that the rotation of the list will operate on a daily basis, seven days a week, for example on day one, group one will be chosen, day two group 2 will be called, and so on. Whoever is called is on duty all day, unlike the State Police and the Village, who operates on incidents. He said that Adamis Towing and Recovery has been added to the Heavy/Larger vehicles as a result of a new vehicle.

**TOWN OF GOSHEN  
Resolution**

**MODIFICATION AND ADOPTION OF TOWN GOSHEN  
POLICE TOW SERVICE POLICY**

**INTRODUCED BY:** Councilman Kenneth Newbold

**SECONDED BY:** Councilman Philip Canterino

**DATED: December 13, 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 13<sup>th</sup> day of December, 2012

**WHEREAS**, the Town of Goshen presently has in effect a town wide police tow service policy, and

**WHEREAS**, the Town Board has reviewed and studied said existing tow service policy and has determined that certain modifications and additions to said policy are necessary and in the best interests of the Town of Goshen,

**NOW, THEREFORE BE IT RESOLVED**, the Town Board of the Town of Goshen does hereby adopt the Police Tow Service Policy annexed hereto as Schedule A.

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.

**4. DISCUSS AND APPROVE CONTRACT WITH COUNTY OF ORANGE TO PROVIDE  
ASSESSING SERVICES FOR THE TOWN OF GOSHEN FOR CALENDAR YEARS 2013 AND 2014,  
AND AUTHORIZE THE SUPERVISOR TO SIGN THE SAME**

Supervisor Bloomfield explained that he and Councilman Canterino had met with John McCarey, Director of the Orange County Real Property Tax Department, who went through the contract, item by item with them. Attorney Caplicki reviewed the contract with the Board before they adopted the following Resolution:

**TOWN OF GOSHEN  
Resolution**

**Authorization to Sign Assessment Services Contract with the County of Orange  
Pursuant to Section 1537 of the Real Property Law of the State of New York**

**INTRODUCED BY:** Councilman Philip Canterino

**SECONDED BY:** Councilman George Lyons

**DATED: December 13, 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 13<sup>th</sup> day of December, 2012

**WHEREAS**, the Town of Goshen previously by resolution of October 9, 2012 affirmatively voted to remove the function of assessment services from the offices of the Town Assessor and authorized negotiations with the County of Orange for the provision of such services to the Town of Goshen, and

**WHEREAS**, the Town of Goshen has complied in all respects with the provisions of New York Real Property Law Section 1537 et seq.; and

**WHEREAS**, the Town of Goshen has negotiated with the County of Orange with respect to the provision of assessment services and is now in receipt of an acceptable contract from the County of Orange with respect to the provision of such services,

**NOW, THEREFORE BE IT RESOLVED**, that the Supervisor of the Town of Goshen is hereby authorized to execute on behalf of the Town of Goshen the agreement annexed hereto Exhibit A with the County of Orange whereby the County of Orange will provide assessment services to the Town of Goshen as set forth therein and the Supervisor is hereby authorized to execute 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 AYE

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

**F. NEW BUSINESS:**

**1. DISCUSS AND PASS RESOLUTION TO RECALCULATE THE 2013 BUDGET TAX CAP WITHOUT INCLUDING WATER/SEWER REVENUES AND TO OVER-RIDE THE 2% TAX CAP.**

Supervisor Bloomfield explained that the Budget Officer was originally instructed to include water/sewer revenues when calculating the 2% Tax Cap, and he did this in 2012 with no repercussions. However, this year when he did the same, the State Comptroller's Office reviewed it, and said you can't do this.

The Budget Officer was told, if we tax these water/sewer districts they are to be included. However, if we rate them, we cannot include it. Thus the Comptroller's Office recalculated the figures and we now have to put \$30,081.00 in a reserve account, and apply that to the 2014 budget Tax Cap.

Councilman Canterino made a Motion to place \$30,081.00 in a reserve account to be applied to the 2014 Budget Tax Cap. The Motion was seconded by Councilman Lyons. Motion carried 5 to 0.

**2. DISCUSS PETITION BY GURDA GARDENS, LTD. TO REZONE 271 MAPLE AVENUE, SBL 19-1-95.21 FROM RU(RURAL DISTRICT) TO SM (SOIL MINING):** Supervisor Bloomfield explained that the request came in and he reviewed it with Attorney Caplicki. He said the property has sand and gravel on it, and the petitioner would like to mine it again. They are looking to perhaps take out six hundred forty thousand tons of sand and gravel from this pit. The Supervisor asked Attorney Caplicki to explain the Town's position on this. Attorney Caplicki explained that by State Law all zoning change requests are discretionary with the Board, and the Town's code requires that it be referred to the Planning Board for their recommendations as to whether the Town Board should pursue it.

The Board discussed the request extensively, and how it would affect the current Town Zoning Code. The Board also discussed whether they wanted to send the request on to the Planning Board, and what cost would be involved. Attorney Caplicki reminded the Board that they could make a decision as a Town Board on the petition, and it would be final. It was decided that the Attorney should review the whole request thoroughly, and it will be placed on the agenda for a future Work Session.

**3. RESOLUTION TO SETTLE TAX CERTIORARI: 76 MAPLE TREE LLC:** Attorney Caplicki reviewed the following Resolution:

**TOWN OF GOSHEN  
Resolution**

**INTRODUCED BY:** Councilman Philip Canterino

**SECONDED BY:** Councilman Louis Cappella

**DATED:** December 13, 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 13<sup>th</sup> day of December, 2012

**WHEREAS**, 76 Maple Tree, LLC has commenced tax certiorari proceeding against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for the 2010-11-2011-12 and 2012-13 tax assessment years bearing Orange County Index #s 2010-8246, 2011-7616 and 2012-5932 commenced by petitioner; 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 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 matter(s), as more fully set fourth below, is reasonable and in the best interests of the Town: and

**WHEREAS**, the 76 Maple Tree, LLC is willing to settle these proceedings without interest, costs or disbursements, in the following manner;

- (1) That the proceeding for the 2010-11 tax year be confirmed at an assessment of \$343,750
- (2) That the proceeding for the 2011-12 tax year be confirmed at an assessment of \$343,750
- (3) That the proceeding for the 2012-13 tax year be confirmed at an assessment of \$343,750

That petitioner's real property taxes for the years 2010-11, 2011-12 and 2012- 13 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 2013-14, 2014-15 and 2015-16 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 Jo Ann Soules, 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>AYE</u>
Councilman, George Lyons	<u>AYE</u>		

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

**G. FINANCE:** Councilman Newbold made a Motion to authorize the Supervisor to pay Accounts Payable Check Run of 12/13/2012 amounting to \$181,470.93. The Motion was seconded by Councilman Canterino. Motion carried unanimously.

There was a question of when the 2013 Re-Organization Meeting would be held in January. Supervisor Bloomfield made a Motion to set the Re-Organization Meeting for the calendar year of 2013 for January 3<sup>rd</sup>, at 7:00 p.m. at Town Hall, located at 41 Webster Avenue, Goshen, NY. The Motion was seconded by Councilman Newbold, Motion carried unanimously.

**H. PRIVILEGE OF THE FLOOR:**

Mela Wu, Vice President of Corporation Relations for the Shen Yun Performing Arts, spoke again about her organization, and introduced the other ladies who had accompanied her this evening. She and the Board spoke at length about the organization, and if they would be able to perform here, as they would need a stage large enough to accommodate their performance. It was decided that the group would come to a Work Session sometime in January to give their presentation to the Board.

Joel Markowitz commended the Supervisor and Councilman Newbold for attending the County meeting regarding the request of the County DPW to spend a million dollars to evaluate building a new sewer plant in Chester. He said the Supervisor spoke very well and to the point.

Holiday greetings were extended by all.

With no further comments, Councilman Canterino made a Motion to adjourn the meeting and go into Executive Session, with intent not to adjourn, to discuss Police Department Personnel and a tax Certiorari. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

Time: 8:45 p.m.

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Valma Eisma, Town Clerk