

TOWN OF GOSHEN
TOWN COUNCIL MEETING
January 10, 2008

MINUTES

A regular meeting of the Town Council of the Town of Goshen was held on the 10th day of January, 2008 at 7:30pm at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present: Douglas Bloomfield Supervisor
Philip Canterino Councilmember
Louis Cappella Councilmember
Kenneth Newbold Councilmember

Absent: George Lyons Councilmember

Also Present: Dennis Caplicki Town Attorney
Susan Maysels Deputy Town Clerk

A. CALL TO ORDER

The meeting was called to order by Supervisor Bloomfield at 7:30pm, followed by the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

Supervisor Bloomfield had two items to add. First, he thanked the Council, especially Councilmember Newbold for assistance in securing the federal grant from Congressman Hall for the Hambletonian Park water main project. An individual thanks to Councilmember Cappella too for his work in getting folks out to the press conference when the check was presented.

Cost reduction is the other item Supervisor Bloomfield added. The town has discontinued the use of ADP for payroll services. It is now being done in house thanks to the efforts of Bill Standish and Peg Gugliotta. This change will result in ongoing savings. It's not a big silver bullet that will save big bucks, but all must remember that we save dollars by saving cents.

C. PRIVILEGE OF THE FLOOR

None.

D. OLD BUSINESS

1. **RESOLUTION:** Town of Goshen Withdrawal from Participation in the Orange County Workers' Compensation Fund Administered by the County of Orange Risk Management Department with the Triad Group as the Third Party Administrator.

Supervisor Bloomfield explained that the County of Orange has managed a self-insured workers' compensation pool for Goshen and many other County Towns and Villages. At a recent meeting

attended by Supervisor Bloomfield and Councilmember Canterino, the County announced that participating Towns could expect a 20% increase each year for the next five years. Due to this huge increase, the Town sought and found an alternative service provider.

WHEREAS, the Town of Goshen presently participates in the Orange County Workers' Compensation Fund with respect to workers' compensation insurance coverage; and

WHEREAS, the Town Council of the Town of Goshen has determined that it is in the best interests of the Town of Goshen to withdraw from said fund, take with the Town of Goshen as part of its withdrawal any existing workers' compensation claims presently pending and join the New York State Municipal Workers' Compensation Alliance for workers' compensation insurance coverage,

NOW, THEREFORE BE IT RESOLVED, that the Town of Goshen does hereby withdraw from participation in the Orange County Workers' Compensation Fund and upon such withdrawal the Town of Goshen shall take/retain with it any existing workers' compensation claims pending.

Councilmember Cappella made a motion to adopt the foregoing resolution. Councilmember Canterino seconded the motion.

ADOPTED by a ROLL CALL VOTE of 4 to 0:

Supervisor Bloomfield	Aye
Councilmember Canterino	Aye
Councilmember Cappella	Aye
Councilmember Newbold	Aye
Councilmember Lyons	Absent

2. **RESOLUTION:** Town of Goshen Election to Become a Self-Insurer as to Workers' Compensation Claims Against the Town of Goshen.

WHEREAS, the Town Council of the Town of Goshen has determined that it is in the best interests of the Town of Goshen to become a self-insurer as to workers' compensation claims against the Town of Goshen,

NOW, THEREFORE BE IT RESOLVED, that the Town of Goshen hereby elects, pursuant to subdivision 3-A of Section 50 of the Workers' Compensation Law, to become a self-insurer as to workers' compensation claims against the Town of Goshen; and

BE IT FURTHER RESOLVED, that pursuant to Section 50 subdivision 3-A of said Workers' Compensation Law, notice of such election shall be filed forthwith with the Chairman of the Workers' Compensation Board, Self Insurance Section; and

BE IT FURTHER RESOLVED, that this election shall become effective on January 14, 2008.

Councilmember Cappella made a motion to adopt the foregoing resolution. Councilmember Canterino seconded the motion.

ADOPTED by a ROLL CALL VOTE of 4 to 0:
Supervisor Bloomfield Aye
Councilmember Canterino Aye
Councilmember Cappella Aye
Councilmember Newbold Aye
Councilmember Lyons Absent

3. **RESOLUTION:** Authorize and Instruct the Town Supervisor to Execute the Charter Document with New York State Municipal Workers' Compensation Alliance for Workers' Compensation Insurance Coverage.

Councilmember Newbold thanked Supervisor Bloomfield and Councilmember Canterino for their hours of work on this change. Supervisor Bloomfield noted that this change is another cost savings item. With NYS Comp Alliance, the premium will be approximately \$209,000 for 2008 whereas it would have been \$215,000 under the County. It is anticipated that the Town's rate will decrease if Insurance Commissioner, Councilmember Lyons can work with Comp Alliance to close some of the Town's cases. This move reverses the anticipated 20% per year increase under County management.

WHEREAS, there has been proposed a "New York State Municipal Workers' Compensation Alliance Plan Document" pursuant to Section 50 3-A of the Workers' Compensation Law (herein after "The Plan"); and

WHEREAS, the Town of Goshen is eligible for membership in the Plan; and

WHEREAS, the Town of Goshen has made an independent investigation of the Plan and reviewed the Plan document as annexed hereto, and has concluded that it would be in the best interests of the Town of Goshen to participate therein;

NOW, THEREFORE BE IT RESOLVED, that the Town of Goshen enter into a membership in the Plan pursuant to Section 50 Subdivision 3-A of the Workers' Compensation Law; and

BE IT FURTHER RESOLVED, that the Supervisor of the Town of Goshen be and hereby is authorized and instructed to execute the Plan's charter document on behalf of the Town of Goshen; and

BE IT FURTHER RESOLVED, that the custody of all joint plan monies by the plan administrator under the Plan be in the same hereby is approved.

Councilmember Cappella made a motion to adopt the foregoing resolution. Councilmember Newbold seconded the motion.

ADOPTED by a ROLL CALL VOTE:
Supervisor Bloomfield Aye
Councilmember Canterino Aye
Councilmember Cappella Aye
Councilmember Newbold Aye
Councilmember Lyons Absent

4. **RESOLUTION:** Acknowledge the Retirement of Thomas J. Grippe as Machine Equipment Operator for the Town Highway Department Effective January 31, 2008.

Councilmember Newbold noted the wonderful job done by Tom over the years. Councilmember Cappella wished Tom a successful and happy retirement.

Councilmember Cappella made a motion to acknowledge and accept the retirement of Thomas J. Grippe as Machine Equipment Operator for the Town Highway Department effective January 31, 2008. Councilmember Newbold seconded the motion.

ADOPTED: 4 AYES Bloomfield, Canterino, Cappella, Newbold
 0 NAYS

5. **RESOLUTION:** Authorize the Town Supervisor to Enter into a Franchise Agreement with Hometown Online, Inc. for the Provision of Cable Services.

Supervisor Bloomfield and Councilmember Newbold both said this will be a great benefit to residents in the portion of Town this company will service. Some who have had no access to cable will now have the option of hooking up, and others will now have a choice of companies from which to buy cable service. Supervisor Bloomfield stated that this Agreement will bring additional revenue to the Town.

WHEREAS, Hometown Online, Inc., a subsidiary of Warwick Valley Telephone Company, has submitted an application to the Town of Goshen for a cable franchise to serve portions of the Town of Goshen; and

WHEREAS, a Public Hearing was held with respect to said application by the Town Council of the Town of Goshen on December 10, 2007; and

WHEREAS, the Town of Goshen has the requisite authority to grant such franchise; and

WHEREAS, the Town after full consideration of the application and results of the aforementioned Public Hearing, finds that Hometown Online, Inc. has the appropriate character, financial condition and technical ability to operate as a franchisee within the Town of Goshen and that the grant to Hometown Online, Inc. of the subject franchise is in the best interests of the Town of Goshen community,

NOW, THEREFORE BE IT RESOLVED, that Hometown Online, Inc. is granted a franchise to provide cable services within the Town of Goshen or as more particularly set forth in the annexed Franchise Agreement and that the Supervisor of the Town of Goshen is authorized on behalf of the Town of Goshen to enter into and sign the annexed Franchise Agreement.

Councilmember Canterino made a motion to adopt the foregoing resolution. Councilmember Newbold seconded the motion.

ADOPTED by a ROLL CALL VOTE of 4 to 0:
Supervisor Bloomfield Aye
Councilmember Canterino Aye
Councilmember Cappella Aye
Councilmember Newbold Aye
Councilmember Lyons Absent

6. APPROVAL OF MINUTES

Councilmember Cappella made a motion to approve the following Council Meeting Minutes:

<u>December 3, 2007</u>	<u>Special Meeting</u>
<u>December 10, 2007</u>	<u>Work Session</u>
<u>December 18, 2007</u>	<u>Joint Town Council & Village Trustee Meeting</u>
<u>January 2, 2008</u>	<u>Annual Re-Organization Meeting</u>

Councilmember Newbold seconded the motion.

ADOPTED: 4 AYES Bloomfield, Canterino, Cappella, Newbold
 0 NAYS

E. NEW BUSINESS

1. **RESOLUTION:** Authorize Release of Northgate Holdings, LLC Maintenance Bond in the Amount of \$25,000 plus interest for Glen Pointe Estates Subdivision.

Town Attorney Caplicki suggested that the Town consider retaining the interest on this type of account in the future. Council agreed that Attorney Caplicki should look into this possible change in policy.

WHEREAS, by Resolution of September 28, 2006, the Town of Goshen received from Glenpointe Estates (Northgate Holdings, LLC) a maintenance bond in the sum of \$25,000; and

WHEREAS, pursuant to inspection by Robert Lacerra of the Town of Goshen Highway Department and Dennis G. Lindsay, P.E. of Riddick Associates, P.C. performed on January 10, 2008, it has been determined that there are no maintenance items remaining that have not been addressed by the developer with respect to said road; and

WHEREAS, based upon the aforementioned inspections, the condition of the roadway in the opinion of the Highway Department and Town Engineer is acceptable,

NOW, THEREFORE BE IT RESOLVED that the maintenance bond in the principal amount of \$25,000 presently held by the Town of Goshen with respect to the referenced subdivision/road area be released to the poster/developer.

Councilmember Newbold made a motion to adopt the foregoing resolution. Councilmember Cappella seconded the motion.

ADOPTED by a ROLL CALL VOTE of 4 to 0:

Supervisor Bloomfield	Aye
Councilmember Canterino	Aye
Councilmember Cappella	Aye
Councilmember Newbold	Aye
Councilmember Lyons	Absent

F. FINANCE

Supervisor Bloomfield explained that the Manual A/P check run before Council tonight is primarily the amount required for the annual renewal of the bond anticipation notes (BANs).

Councilmember Newbold made a motion to authorize the Supervisor to pay the following:

Computer A/P check run dated December 26, 2007 amounting to \$148,033.62,

Computer A/P check run dated December 27, 2007 amounting to \$146,834.84,

Manual A/P check run dated January 10, 2008 amounting to \$638,772.68.

Councilmember Canterino seconded the motion.

ADOPTED: 4 AYES Bloomfield, Canterino, Cappella, Newbold
 0 NAYS

G. PRIVILEGE OF THE FLOOR

None.

H. EXECUTIVE SESSION

Councilmember Newbold made a motion to enter Executive Session, without intent to return, to discuss pending litigation involving a former employee. Councilmember Cappella seconded the motion.

PASSED: 4 AYES Bloomfield, Canterino, Cappella, Newbold
 0 NAYS

I. ADJOURNMENT

Council adjourned into Executive Session at 8:00 pm

No action was taken in Executive Session.

Respectfully submitted by:

Susan Maysels, Deputy Town Clerk