

TOWN OF GOSHEN  
**TOWN BOARD MEETING**  
January 28, 2010  
MINUTES

A Regular Meeting of the Town Board of the Town of Goshen was held on the 28<sup>th</sup> day of January, 2009 at 7:30 p.m. at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

PRESENT: Philip Canterino Deputy Supervisor George Lyons Councilman  
Kenneth Newbold Councilman Louis Cappella Councilman

ABSENT: Douglas Bloomfield, Supervisor

ALSO PRESENT: Dennis Caplicki, Town Attorney Valma Eisma Town Clerk

**A. CALL TO ORDER:** Deputy Supervisor Canterino called the meeting to order and asked Councilman Lyons to lead the Pledge of Allegiance.

**B. AMENDMENT TO THE AGENDA:** None

**C. PRIVILEGE OF THE FLOOR (agenda items only):** Susan Shapiro, speaking on behalf of TIMBER TRAIL LLC., said she knows the Board is prepared to deny their request to build a PAC. She stated she is very disappointed, and felt the Board was denying the project for the wrong reasons. She said the project would be a mile, mile and a half from the Village, one half mile from the train station, and were planning a grocery store. She said this was to be a green project, and it would be a shame for the Board to deny the project for false reasons.

**D. REPORTS:**

Councilman Louis Cappella reported that all is well with the Senior Center. He also reported that he, the Supervisor, and Bob Lercara, Deputy Highway Supervisor met with the County, and found that the Community Development Block Grant of \$286,800.00 for Jessup Switch Road is a reality, and should be coming soon.

Councilman Kenneth Newbold reported the back-up well for Stone Hedge has been completed.

Councilman Lyons reported for the Joint Recreation stating that Mary Heiferman is the new Recreation Coordinator. He said she is getting familiar with everything and is doing a fantastic job. She is currently working on all the normal things and planning for the summer programs. He reported there may be some changes made this year. Councilman Lyons said that Joint Recreation's personnel, finances and billing were officially turned over to the Village as of January 1, of 2010. As Joint Recreation is a joint venture, their finances and billing are done by the Town for four years and then the Village for the next four years.

Councilman Lyons also reported the Police Department has identified the young people who vandalized the park at Spring Glen. He said they will be paying restitution and doing community service.

Councilman Philip Canterino reported Chief Marsh is on vacation, and Sergeant Faust will be in charge until February 16<sup>th</sup>. He asked the clerk if the AVL Inter-municipal Grant had been returned to the County? The Clerk said she was sure it had, but would check in the morning.

Councilman Canterino said he had not heard from Senator Larkin in reference to the town's request for a police car, and that it will be a problem since a new car is badly needed. He also reported he had taken a call from a representative of General Industries, Inc. in reference to the delivery of the water storage tank for Scotchtown Park. He said he instructed him to contact Riddick Associates to make arrangements for the delivery. He asked Councilman Newbold to oversee the delivery.

**E. OLD BUSINESS:**

**1. Resolution to Deny Timber Trail LLC. a Special Use Permit to Build a Pac:** Attorney Caplicki reported this was discussed at Monday's work session and there was not enough information to complete the Resolution at that time. He said this will require further discussion on the part of the Board, and he wants the minutes of the January 25<sup>th</sup> meeting before he drafts the Resolution. Attorney Caplicki and the Board decided to wait until the next work session.

**F. NEW BUSINESS:**

**1. Resolution : Official Undertaking of Municipal Officers:** Deputy Canterino explained that this is a Resolution that the elected officials have to acknowledge and sign. It is similar to the Oath of Office they take when they are sworn in, however this refers to the money handled, and their being bonded and insured.

**TOWN OF GOSHEN  
OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS**

**WHEREAS**, Douglas Bloomfield, of the Town of Goshen, County of Orange, New York, has been elected to the office of Supervisor of the Town of Goshen; and

**WHEREAS**, Valma Eisma, of the Town of Goshen, County of Orange, New York, has been elected to the office of the Town Clerk of the Town of Goshen; and

**WHEREAS**, Judith Andrews, of the Town of Goshen, County of Orange, New York, has been elected to the office of Receiver of Taxes of the Town of Goshen; and

**WHEREAS**, Thomas Cione, of the Town of Goshen, County of Orange, New York has been elected to the office of Town Justice of the Town of Goshen; and

**WHEREAS**, Kimberly Van Haaster, of the Town of Goshen, County of Orange, New York, has been elected to the office of Town Justice of the Town of Goshen; and

**WHEREAS**, Steve Andryshak, of the Town of Goshen, County of Orange, New York, has

been elected to the office of Highway Superintendent of the Town of Goshen; and

**NOW, THEREFORE,** we as respective officers above, do hereby undertake with the Town of Goshen that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all monies or property received as a Town Officer, in accordance with the law; and

This undertaking of the Town Supervisor is further conditioned upon that he will well and truly keep, pay over and account for all monies and property, including any special district funds, belonging to the Town and coming into his hands as such Supervisor; and

This undertaking of the Town Receiver of Taxes is further conditioned that she will well and truly keep, pay over and account for all monies and property coming into her hands as such Receiver of Taxes and Assessments; and

The Town of Goshen does and shall maintain insurance coverage, presently with Travelers Insurance Company in the sum of \$25,000 per employee plus an additional \$1,000,000 for the Receiver of Taxes, to indemnify against losses through the failure of the officers, clerks and employees covered thereunder to faithfully perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officer, clerks and employees thereunder.

Date: January 28, 2010

The Clerk will see that all the elected officials will sign this document and their signatures shall be notarized and it will be kept on file in the Town Clerk's Office.

**2. Resolution to Reduce Goshen Properties, LLC Performance Bond:** Deputy Supervisor Canterino explained that Goshen Properties is asking for a reduction in their Letter of Credit. Deputy Supervisor Canterino made a Motion to authorize the reduction of the Goshen Properties, LLC Performance Bond from \$499,300 to \$101,400 as recommended by the Town Engineer and the Highway Superintendent. The Motion was seconded by Councilman Capella.

Deputy Supervisor Canterino called for discussion on the Motion, and stated he was concerned about the Letters of Credit as opposed to cash bonds. He said in the past there had been some problems with Letters of Credit. He said he would like the Board to take a good look at this, and schedule it for a future work session.

The Board discussed the Letters of Credit, and Deputy Supervisor Canterino asked the clerk if the Letter of Credit was irrevocable? She replied she thought so, but would check on it to be sure. The Board decided to amend the original Resolution, paragraph five, which reads: NOW, THEREFORE, BE IT RESOLVED, that the Performance Bond Letter of Credit as posted with the Town of Goshen by Goshen Properties, LLC with respect to the Goshen Properties subdivision project be reduced from \$499,300 to \$101,400.

Councilman Newbold made a Motion to amend the original Motion (paragraph five) to be changed to read the same as above, with the addition of: "with respect to the Goshen Properties subdivision project be reduce from \$499,300 to \$101,400; same to be in irrevocable form and in form acceptable to the Town Attorney." The Motion was seconded by Councilman Capella. Motion carried 4 to 0.

**TOWN OF GOSHEN  
RESOLUTION**

**Authorization to Reduce Performance Bond with Respect to Goshen Properties, LLC  
Project from \$499,300 to \$101,400**

INTRODUCED BY: Councilman Kenneth Newbold  
SECONDED BY: Councilman Louis Cappella  
DATED: January 28, 2010

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 28<sup>th</sup> day of January, 2010;

**WHEREAS**, in connection with the Goshen Properties subdivision ( Goshen Properties, LLC) located on Houston Road, Goshen, New York, a Performance Bond in the sum of \$499,300 by means of a Letter of Credit was posted with the Town to ensure completion of the required project infrastructure work; and

**WHEREAS**, Goshen Properties, LLC has completed a significant amount of the public improvements required per the Town of Goshen Planning Board approvals; and

**WHEREAS**, the Engineer for the Town of Goshen and the Superintendent of Highways for the Town of Goshen have both inspected the project and subject work and recommend that the \$499,300 Performance Bond Letter of Credit be reduced to a level of \$101,400 and same be retained by the Town to ensure completion of the remaining work on the project, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Performance Bond Letter of Credit as posted with the Town of Goshen by Goshen Properties, LLC with respect to the Goshen Properties subdivision project be reduced from \$499,300 to \$101,400; same to be in irrevocable form and in form acceptable to the Town Attorney.

Upon Roll Call Vote:

Supervisor Douglas Bloomfield	ABSENT	Councilman Philip Canterino	AYE
Councilman Louis Cappella	AYE	Councilman Kenneth Newbold	AYE
Councilman George Lyons	AYE		

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

**G. FINANCES:** Councilman Cappella made a Motion to authorize the Supervisor to pay Manual A/P Runs of 01/07 to 1/19/2010 amounting to \$6725.29 and Accounts Payable Check Run of January 28, 2010 amounting to \$579,054.32. The Motion was seconded by Councilman Lyons, Motion carried 4 to 0.

**H. PRIVILEGE OF THE FLOOR:**

Joel Markowitz talked with the Board about video taping of the meetings for those people who are unable to attend the meetings. There was a brief discussion and the Board felt they needed more information and Deputy Supervisor Canterino suggested Joel might want to come to a work session and talk about it further with the Board.

**I. Adjournment:** Councilman Lyons made a Motion to adjourn the meeting and go into Executive Session, with the intent not to return, to discuss the sewer negotiations with the Village. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

Time: 8:15 p.m.

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Valma Eisma, Town Clerk