

TOWN OF GOSHEN  
**TOWN BOARD MEETING**  
July 23, 2009  
MINUTES

A Regular Meeting of the Town Board of the Town of Goshen was held on the 23<sup>rd</sup> day of July, 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:	Douglas Bloomfield	Supervisor
	Louis Cappella	Councilman
	George Lyons	Councilman
	Kenneth Newbold	Councilman
	Philip Canterino	Councilman

ALSO PRESENT:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

**A. CALL TO ORDER:** Supervisor Bloomfield called the meeting to order at 7:30 p.m. and asked Councilman Newbold to lead the Pledge of Allegiance.

**B. AMENDMENT TO THE AGENDA:** Supervisor Bloomfield said he would like to make an amendment to the agenda: Orange County's request to move the Board of Elections to Middletown. It will be added to the end of the meeting.

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

**D. REPORTS:**

**COUNCILMAN CAPPELLA** reported that he will be meeting with the Superintendent of Highways to decide what roads they will be able to pave with the Chip money they have. He stated Highway will be starting in approximately two weeks, and there are a lot of roads and not a lot of money. He said on one good note the price of black top macadam has dropped from \$79 a ton to \$59 a ton, which will allow them to do about 25% more paving than they could do last year.

Councilman Cappella said the Senior Center and the Dial-A-Bus are doing fine.

**COUNCILMAN NEWBOLD** reported everything is fine with Water/Sewer, all the quarterly tests that are done on a regular basis have come back with no problems in any of our water districts.

**COUNCILMAN LYONS** reported the JRC camps are running smoothly, registration is up, closer if not higher to last year. He said Shakespeare in the Park was held last weekend at Salesian Park on Saturday and Sunday and it will be held again this Saturday and Sunday at 3:00 p.m. He said there is no charge,

and is sponsored by the Goshen Library and Historical Society. He attended the Sunday performance and really enjoyed it.

He said there were a few people who applied for the Directorship of the JRC, all declined the job for any number of reasons, so they will begin interviewing a new batch of applicants next week. Councilman Lyons reported that Kevin Armistead is functioning as the Director of the Buildings and Grounds due to the fact that the person who was in that position "just kind of vanished". Mr. Armistead wrote to Councilman Lyons, referring to next year, suggesting a Request for a Quotation for a private company, or landscaper, to do the cutting. He feels that getting adequate personnel to run the machinery and the cost of the machinery, etc., it might be more cost affective to hire a landscaper.

He said the soccer players, ranging from five to eight in age, will be using a section of Salesian Park, on a temporary basis, if the Board passes a Resolution on it this evening.

Councilman Lyons also said he is setting up a meeting, in reference to insurance, so that they can go over all those "Tail" claims that have to do with Workers' Comp.

**COUNCILMAN CANTERINO** reported he had a meeting with Chief Marsh and the Chief has not heard anything about the requested grant for three new vehicles. However, Councilman Canterino said they feel confident as we do meet the criteria.

Councilman Canterino said he and the Chief discussed cost controls, which they are always working on, as the Police Department is one of the larger departments.

**SUPERVISOR BLOOMFIELD** reported on Monday, at the work session, that Assemblywoman Anne Rabbitt was able to give us a Grant of \$5,476.00 to help with the replacement of the leaking water storage tank in Scotchtown Park Water District. He said currently the Board has authorized him to work with our engineer to put together a plan and bid package for the new tank, which should be ready for the August 10<sup>th</sup> meeting.

The Supervisor reported he had talked to Senator Larkin yesterday, and he is able to give us \$30,000.00 toward a Police car. Senator Larkin said if he could get more money the priority would be another \$30,000.00 in September. The Senator stated if not he would make Goshen a priority for next year.

Supervisor Bloomfield said Councilman Lyons had asked about Jessup Switch Road, for which we requested a grant to rebuild and repave the road from the Community Development and also Stimulus money. He said the County has received Stimulus money which he hopes might trickle down to us.

The Supervisor said on Monday the Board also talked about Sales tax. He said the second quarter sales revenue has come in and it is just about at goal, since we budgeted one million dollars of revenue and the first two checks were for approximately Four Hundred Thousand dollars. He said this is good news, but the Mortgage Tax is not looking as good. This tax is paid twice a year and the first check was for \$110,000.00 and we had projected \$510,000.00 for the year. He said if we get another \$110,000.00 for the rest of this year, we will be about \$300,000.00 short.

Supervisor Bloomfield said he would like to change the order of the agenda and referred to Item #3 under New Business. He stated that Mr. Walker was here tonight to speak on Heritage Estates proposed sewer system, and has been working on this with the Village. He is here this evening to give the Board a status update.

Mike Walker reported that he and Steve Esposito met with the Village Board on Monday evening and discussed the possibility of connecting the Heritage Estates Subdivision to the Village Sewer Treatment Plant. The Village Board showed an interest in that concept, and he felt it was a positive meeting. Mr. Walker said he thinks they are moving in that direction and their engineer will be doing an analysis on the existing system with regard to capacity, build-out capacity and I & I. He said he understands the Village has asked their engineer to pursue this, and will expedite it, and our feeling after the meeting was that we should hear from the Village in approximately thirty to sixty days, and at that time they will be able to sit down with the Village and continue the discussion.

Councilman Canterino asked what does that do to the sewer district hearing and the process as far as a sewer district? Attorney Caplicki replied, knowing the Town will be affected, and any projects within the Town, he would recommend the Public Hearing be kept open till such time as we have all the information from the Village.

Mr. Walker stated one issue he has in regard to the formation of the water/sewer district, is really in regard to the sewer district. He said these open items that are being discussed, such as regional plants, an on site plant and the possible connection to the Village I notice in your proposed Local Law #4 that you are going to be discussing this evening, puts some time constraints on the exemptions that were granted under Local Laws one and two. He said this raises some concerns, as developer, while we are trying to work through some issues, we now have some time constraints being placed upon us.

Supervisor Bloomfield said if a project is viable and moving along, the Board does not want to "get in the way of progress" and Attorney Caplicki said upon request from the applicant the time could be extended under the new law.

Councilman Lyons asked where Mr. Walker was thinking of intersecting with the Village, as far as bringing the pipe in, as many of these pipes are in very poor condition. He said the best thing that he could think to do, would be to hit a "home run" from where ever you are right into the Village, and he asked if this had been discussed at all. Mr. Walker answered yes when they were looking at the original designs. He said they would have a pump station on site, have a force main that would run up Old Chester Road from our site toward the Village, and connect on the top of old Chester Road, just east of South Street.

#### **E. PUBLIC HEARING PROPOSED LOCAL LAW #4:**

Councilman Newbold made a Motion to open the Public Hearing on proposed Local Law #4. The Motion was seconded by Councilman Canterino. Motion carried on a vote of 5 to 0. Time 7:48 p.m.

Supervisor Bloomfield asked Attorney Caplicki to explain the proposed law to the public. Attorney Caplicki stated this is a local law that affects Local Laws one and two of 2009, and the adoption of the Comprehensive Plan and our new zoning ordinance. He said this is really a housekeeping amendment, basically ministerial in nature. Attorney Caplicki explained the law is clarifying the terms of the exemptions which were grandfathered in to give the Town Board the authority to extend the time if necessary and it is in the best interest of the community.

Attorney Caplicki said the other aspects are, we are taking soil mining permits and PACs from a discretion initial application to the Planning Board and making it an initial discretion application to the Town Board. Also he said the Board has matched the various tables in the code with those items.

Supervisor Bloomfield asked if anyone from the Public would like to speak. There was no response from the floor. With no response from the public, Councilman Canterino made a Motion to close the Public Hearing. The Motion was seconded by Councilman Newbold. Motion carried 5 to 0.

Supervisor Bloomfield asked the Board if they had any questions or thoughts about the Local Law? Councilman Lyon asked for clarification on page 1B, about in the middle of the large second paragraph where it states "with or without phasing". He said his concept was if the Planning Board has in their mind that the project should be phased, this seems to allude to the fact that this would over ride it, so that there wouldn't be a phase. Attorney Caplicki replied no, just the reverse, the applicant can ask to be phased, and the Planning Board has that determination ability. Attorney Caplicki explained that in this instance it refers to the fact that many times phasing is considered exactly that, in steps or stages. He said it becomes a question of, you can have a final approval through phase one, and have some other status through other phases. He said what this is doing in giving the latitude to the Town Board to extend any particular time requirements due to a factors beyond our or even the applicant's control, that they do not want to lose what progress they have made on a particular application. Councilman Lyons said if that is the case and the Planning Board has passed something, and it was with a phase, we would probably just say continue on.

Councilman Cappella made a Motion to adopt Local Law #4 of 2009. The Motion was seconded by Councilman Canterino.

Roll Call Vote:

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

Vote: Resolution carried by a vote of 5 to 0

## **F. OLD BUSINESS:**

### **1. Approval of Minutes:**

Councilman Newbold made a Motion to approve the Work Session of June 11, 2009 and the Regular Meeting of June 22, 2009. The Motion was seconded by Councilman Cappella. Motion carried unanimously, with Councilman Lyons and Councilman Canterino abstaining from voting on June 11, 2009 meeting as they were absent from that meeting.

**2. Resolution: Adopt Workplace Violence Prevention Policy:**

Supervisor Bloomfield explained that about a year and a half ago the New York State Law changed and stated that each municipality should have a Workplace Violence Prevention Policy and to go through Violence Prevention training. He said at that time we did all the training and wrote the policy. However, he said the Board had never formally accepted the policy and that is what they will do tonight. Councilman Lyons made a Motion to adopt the Workplace Violence Prevention Policy. Councilman Canterino seconded the Motion.

**TOWN OF GOSHEN  
RESOLUTION**

**Adoption of Workplace Violence Prevention Policy**

INTRODUCED BY: Councilman George Lyons  
SECONDED BY: Councilman Philip Canterino  
DATED: July 23, 2009

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 23<sup>rd</sup> day of July, 2009;

**WHEREAS**, the New York State Legislature has enacted Labor Law § 27-b, the Workplace Violence Prevention Act, requiring public employers to develop and implement programs to prevent, minimize and respond to workplace violence, and

**WHEREAS**, the Town of Goshen has conducted a risk evaluation of its workplaces, advised and trained all employees about workplace, and developed an incident reporting system and record compilation system, and

**WHEREAS**, the Town has prepared a written policy with respect to workplace violence (Exhibit A Annexed hereto), and

**NOW, THEREFORE BE IT RESOLVED**, that the annexed Exhibit A entitled "Workplace Violence Prevention Policy" be and is hereby adopted; same to be posted within Town Hall and distributed to each Town employee.

Upon Roll Call Vote:

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

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

**G. NEW BUSINESS:**

**1. Approve Assessor's Proposal to Settle the Harness Estates Tax Cert:** Supervisor Bloomfield explained this will be tabled until such time as the applicant's attorney submits the necessary information needed for our attorney to compose a Resolution.

**2. Authorize the Supervisor to Sign the JCAP Grant:**

Supervisor Bloomfield explained that this is a Grant proposal the court wants to submit and it needs the Supervisor's signature. He said the Grant is asking for office furniture, shredder, software, etc. Councilman Lyons made a Motion to authorize the Supervisor to sign the JCAP Grant. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

**TOWN OF GOSHEN  
RESOLUTION**

**Authorization to Complete and Submit Application with Respect to 2009 Justice Court Assistance Program (JCAP)**

INTRODUCED BY: Councilman George Lyons  
SECONDED BY: Councilman Louis Cappella  
DATED: July 23, 2009

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 23<sup>rd</sup> day of July, 2009.

**WHEREAS**, the Justice Court Assistance Program was established in the State of New York in 1999; the purpose of which is to provide assistance to Town and Village Courts, and

**WHEREAS**, the Town of Goshen Justice Court has numerous needs for personnel, equipment and record keeping purposes, and

**WHEREAS**, upon proper application to the State of New York through the Justice Court Assistance Program, monies may be available to the Town of Goshen Justice Court for the aforementioned purposes,

**NOW, THEREFORE BE IT RESOLVED**, that the Justices of the Town of Goshen Justice Court and Court personnel are hereby authorized to complete and file with the New York State Justice Court Assistance Program an application to request up to the maximum amount available from the JCAP program for Financial assistance to the Town of Goshen Justice Court.

Upon Roll Call Vote:

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

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

**H. FINANCE:**

Councilman Canterino made a Motion to authorize the Supervisor to pay Manual A/P Runs as of 7/14/09 amounting to \$1,063.00, Manual A/P Runs as of 7/15/09 amounting to \$17,551.36, Manual A/P Runs of 7/21/09, DB Fund (Highway Outside) amounting to \$288,061.54 and Manual A/P Runs of 721, B Fund

(General Outside) amounting to \$3,000.00. Also: Accounts Payable Check Run of July 23, 2009 amounting to \$105,167.67

Councilman Lyons seconded the Motion. Motion carried unanimously.

Attorney Caplicki asked about the JRC Resolution pertaining to the Tiny Tots playing soccer at the Salesian Park. He said there was some confusion about the ages of the players, and he had amended the Resolution to correct it and wanted the Board to review it. The Town Clerk went to her office to make copies for the Board.

Attorney Caplicki reported he talked to the Village about the JRC proposal to use the Park on a temporary basis, and they were not aware of any such suggestion. They thanked the Attorney and the Town Board for making them aware. The Resolution will be sent on to the Village when it is complete.

The Town Clerk returned providing each Councilman with a copy of the Resolution, and the Board reviewed it and decided to let it stand as is.

#### **I. PRIVILEGE OF THE FLOOR:**

Jerry Boss said there was talk that JRC might choose to use private landscapers at Craigville Park, and he said hopefully this would be a bid situation. Councilman Lyons replied that there has been difficulty with the personnel, and this was suggested. It will be up to the Village Board and the Town Board to approve of this concept. If they should approve, it will go out to bid as usual, and all the guidelines that all municipalities need to follow will be done.

Mr. Boss asked when the Village and Town bought Salesian was there a contract stating what this property would be utilized for? He said now we are talking about making it a recreational park and turning it over to little people. He asked how we stop others from asking for use of the park, and are we opening a door to law suits, etc.

Supervisor Bloomfield said Councilman Newbold brought up the fact it might be setting a precedent, and the Board made sure it was understood this was a temporary thing. It was clear nothing that was done to set up the original park was to be undone.

Mr. Boss said he thinks the Board is opening a Pandora's Box and this is a bad situation.

Supervisor Bloomfield stated it was clear it is a temporary situation and the Board is working hard to find other fields.

Mr. Boss asked if Mr. Walker runs his sewer line along Old Chester Road can the people living on that road to be able to hook up to it? Attorney Caplicki answered normally no, as it is really a private sewer connection. However, he said that would be up to the Village to decide.

Joel Markowitz said he was at the meeting at which Ms. Sherlock presented this to the Village Board and it seemed to him to be a much more broad reaching proposal. He said to him it was suggesting to make part of Salesian active, instead of passive and this was not temporary, but as ongoing, as it is needed because of the overload of children at this time. He said since it will be a Board decision, he hopes the Board will make the decision and that it not be made by Joint Recreation.

Mr. Markowitz said in reference to Heritage Estates, he was at a work session where Heritage Estates was presenting it's case and they gave the impression that the Town would like them to tie into the

village's sewer system. He asked if that was the Town's preference? Supervisor Bloomfield replied no, that what was asked of them was that they contact the Village and to consider all options.

Neal Hickock spoke, but did not use microphone and could not be heard.

Supervisor Bloomfield reported he received a call today, from a member of the Rules Committee of Orange County Legislature, telling him that they are thinking of moving the Board of Elections to Middletown. He was concerned with the lost revenues to the Village from the twenty or more employees and the people coming and going from the office, who would be buying lunch or doing other business in Goshen. He said as a citizen he cannot see where the move would be more cost effective than leaving them here. The Board agreed they did not feel it is a good idea, especially since this is the County Seat. A general conversation took place, with the public making comment that were inaudible as they were not using the microphone.

Councilman Canterino made a Motion to send a letter to the County stating that the Town Board of the Town of Goshen unanimously takes a position that we are diametrically opposed to the relocation of the Board of Elections Offices outside the Village of Goshen. The Motion was seconded by Councilman Newbold. Motion carried unanimously. It was decided the letter should go to the Rules Committee, County Executive Diana and the legislators.

Doris Bialas asked why every time she uses the Court's ladies room the fan and lights are on, she asked if there is someone designated to turn them off at the end of the day? Supervisor Bloomfield stated he will take care of this.

Councilman Canterino said on the agenda the sewer audit update was listed, is there anything going on now, or what is the status of the audit?

Attorney Caplicki said the audit is ongoing and he has been informed the Comptroller's office will be at the Village Hall to conduct their own audit on Monday, Tuesday and Wednesday. He said he felt in two weeks or so we should have the results, and we will be able to state our position.

**J. ADJOURNMENT:**

With no further comment from the public Councilman Cappella made a Motion to go into Executive Session, with the intent not to return to discuss ADC Inc. Litigation; Owens Road Litigation and Al Turi Tax Cert Litigation. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

Time: 8:45 p.m.

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Valma Eisma, Town Clerk

