

TOWN OF GOSHEN
TOWN BOARD MEETING

February 26, 2009

M I N U T E S

A regular meeting of the Town Board of the Town of Goshen was held on the 26th day of February, 2009 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	Councilman
	George Lyons	Councilman
	Kenneth Newbold	Councilman

Absent:	Louis Cappella	Councilman
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Also Present:	Dennis Caplicki	Attorney for the Town
	Priscilla Gersbeck	Deputy Town Clerk

A. CALL TO ORDER

The meeting was called to order by Supervisor Bloomfield at 7:31pm, followed by the Pledge of Allegiance. Supervisor Bloomfield welcomed the Boy Scouts who are working on their Merit Badge along with their Mothers in the audience.

B. AMENDMENT TO THE AGENDA

None

C. PRIVILEGE OF THE FLOOR

No one made a request to be heard.

D. REPORTS

Councilman Newbold noted that there will be a meeting March 4th at 7:30pm in the Senior Center to address the high cost of the Water and Sewer bills within the Town jurisdiction. An auditor was hired to review the Village books to see how they have arrived at the billed figures. Congratulations to Councilman Newbold on the birth of his second granddaughter.

Councilman Lyons reported on a letter received from the Town's Insurance Company requesting an updated appraisal on all buildings owned by the Town of Goshen and a list of vehicles and equipment owned by the Highway Department to be reevaluated for proper coverage. He will gather the information and present it to the Town Board for further action.

Councilman Lyons submitted rough draft copies, for information only, of the Bylaws Of Friends Of Goshen Parks. This nonprofit corporation will allow the Joint Recreation Commission to receive and administer funds for charitable and other exempt purposes under the '501(c)(3) Internal Revenue Code of 1986. It will enable the JRC to hold fund raises for disbursement, apply for grants and solicit donations for their programs. Respectfully, this has to be approved by both the Village Board and the Town Board. It was discussed that after the Village elections a joint meeting could be arranged.

Councilman Lyons also reported that on February 19, 2009, Lyons Park sustained a great deal of damage consisting of graffiti initials KGB (Kids Gone Bad). The Police are expected to make an arrest of a couple of juveniles who are responsible for this. The JRC is ready to hire summer help starting in March. The summer programs are in the last stages of development. The programs will be the same as last summer's except for the pre-K day camp which was cut from the budget.

On a final note, True Green has been hired to fertilize the Craigville Park. Since the DEC requires a licensed person to apply fertilizer, this item was covered by the budget.

Councilman Canterino reported that he met with Police Chief Marsh regarding a federal grant to hire three new police officers. This grant would only cover the first three years of employment. The Police roster is adequately filled with eleven police officers. With no new growth within the Town and the current financial situation, the Town Board decided not to apply for this grant.

Secondly, we are in need of two police car replacements. A request was made to Senator Larkin for the two police cars and bullet proof vests. A tentative approval was given on condition that funds are available. Councilman Canterino and Police Chief Marsh will meet with Senator Larkin on March 13th pertaining to this matter.

Councilman Canterino addressed the Cost Control Program instituted by Supervisor Bloomfield. Each Department Head was asked to submit recommendations of how to cut costs in their department. Police Chief Marsh is working on suggestions to reduce costs within the Police Department and will submit his report shortly.

Supervisor Bloomfield reported that Crystal Run Village, Inc. has decided not to purchase 3 Lisa Lane for use as a Group home, due to lack of New York State funding. The residents of Lisa Lane have been notified of this action.

Supervisor Bloomfield wrote a letter to Senator William Larkin and Assemblywoman Annie Rabbitt requesting listed items the Town wants money for. He feels that the Stimulus Package will not find its way to the Town of Goshen. Currently we have a \$7,400,000 budget with a short fall of \$300,000 to \$500,000.

Councilman Newbold along with Supervisor Bloomfield met with Congressman John Hall's Representative for funds. It was indicated that the funds would have to be matching. However, Supervisor Bloomfield did request \$4,500,000 from the Federal Stimulus Package for Hambletonian Park and Arcadia Hills to replace the sewer lines. This would contribute to a decrease in the water and sewer bills for those residents. Alfred Fusco of Fusco Engineering will follow-up with the proper documentation.

The Citizens Campaign for the Environment has completed their canvassing in the Town as of February 12.

D. OLD BUSINESS

1. Approval of the Minutes

Councilman Newbold made a motion to approve the minutes of the Town Board Work Session of February 9, 2009 and the regular Town Board Meeting of February 12, 2009. Councilman Lyons seconded the motion.

Discussion: Councilman Lyons made several corrections to the minutes, which the Clerk agreed to correct.

On a Voice Vote, the motion passed: 3 AYES Bloomfield, Lyons, Newbold
0 NAYS
1 ABSTAIN Canterino

F. NEW BUSINESS

1. Motion To Accept The Resignation Of Margaret Gugliotta Effective April 30, 2009

Margaret (Peg) Gugliotta is employed by the Town as our Payroll Specialist. She has expressed a desire to retire permanently.

Councilman Canterino made a motion to accept the resignation of Margaret Gugliotta, Payroll and Payroll Tax Coordinator, effective April 30, 2009 along with a letter of appreciation for her outstanding work. Councilman Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Canterino, Lyons, Newbold
0 NAYS

2. Motion To Promote Jennifer Hart To Combined Payroll and Payroll Tax Coordinator and Accounts Payroll Specialist Effective March 1, 2009

Jennifer Hart performs the duties of Accounts payable as a part time employee. She is exceptionally accurate and up to date with her weekly duties. She has expressed a desire to take on the payroll and payroll tax duties in addition to her accounts payable functions. She is currently making \$14.56 per hour and has offered to take on the additional responsibility for \$15.79 per hour. There will be no cost to the Town for benefits since this remains a part time position.

Councilman Lyons made a motion to promote Jennifer Hart to the part time position of combined Payroll and Payroll Tax Coordinator and Accounts Payroll Specialist at a rate of \$15.79 per hour effective March 1, 2009. Councilman Canterino seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Canterino, Lyons, Newbold
0 NAYS

3. Motion To Appoint Frederick W. Nowak, MBA, To The Board Of Assessment Review

Pursuant to section 1524 of the Real Property Tax Law, the board of assessment review has the power and duty to hear and determine complaints in relation to assessments, and has all the powers and duties imposed by law on boards of review by section 512 of the Real Property Tax Law and by any other law. Essentially, this means that the board of review may hear and determine all complaints submitted to it, provided the complaints are properly and timely filed.

Councilman Canterino made the motion to appoint Frederick W. Nowak, MBA, to the Board of Assessment Review for a five year term, effective immediately and ending September 30, 2013. Councilman Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Canterino, Lyons, Newbold
0 NAYS

4. Resolution: Authorize Title Insurance Expenditures for Land Transfer

This is to authorize the Supervisor of the Town of Goshen to expend a maximum of \$350 for a search and/or title insurance policy with respect to the subject premises in order that the Town may determine the status of the title of the premises.

**TOWN OF GOSHEN
RESOLUTION**

Authorization to Expend Monies for Title Work

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman Philip Canterino

DATED: February 26, 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 26th day of February, 2009;

WHEREAS, A land owner is interested in selling to the Town of Goshen certain real property located within the Town of Goshen, and

WHEREAS, THE Town of Goshen is interested in purchasing said real property, and

NOW, THEREFORE BE IT RESOLVED, THAT THE Supervisor of the Town of Goshen is authorized to expend a maximum of \$350 for a search and/or title insurance policy with respect to the subject premises in order that the Town may determine the status of the title of the premises.

Upon Roll Call Vote:

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

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

G. FINANCE

Councilman Newbold made a motion to authorize the Town Supervisor to pay accounts payable check run of 02/26/2009 amounting to \$217,625.29. Councilman Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Canterino, Lyons, Newbold
0 NAYS

H. PRIVILEGE OF THE FLOOR

Jerry Boss had several questions for the Board Members.

He submitted photographs of the deteriorating fence surrounding the Salesian Park.

In reference to the water and sewer bills – “Is there a start date of the auditor, Steve Brown?” Attorney Caplicki responded that a letter is in the process of coming to the Town as to the start date. Currently, we have not received this letter. Is there a conflict, since Steve Brown wrote up some of the regulations, rates and likewise while he was employed by the Village? Attorney Caplicki discussed this matter with the Village Attorney and it was determined that there is no conflict and that he was the best candidate for the position since he has served in both capacities with regards to water and sewer districts. Mr. Boss was “not comfortable” with this decision.

On to the finials (a crowning ornament or detail). The finials in the photographs are composed of steel and are powder coated. The cost to the taxpayer was \$16,000. They were installed by the Village of Goshen DPW about one year ago. There is no warranty. He recalled attending a joint Village and Town meeting where a vote was taken to approve/purchase the existing round type finials in the photographs. Mr. Boss felt that the finials are no longer serviceable. Do they “impose a danger to the users of the Park” as we did have a dangerous situation with the original pointed finials? Is Dickerson & Meaney going to reevaluate the Park as part of their reevaluation of our insurance policy? Will this dangerous situation impact the insurance coverage? Mr. Boss brought this issue up three meetings ago with no response. He isn't sure if the deterioration is a result of a defect in the product or in the way they were installed. Councilman Canterino seemed to think that (looking at the photographs) it *looks* like a manufacturer defect. Mr. Boss looked into this and the manufacturer is putting the blame on the installation. Supervisor Bloomfield stated that this issue should be brought back to the person(s) who negotiated the contract, ordered and tested the finials. Mr. Boss's opinion is that the powder coating is tough, but if it cracks and moisture gets in will result in finial breakdown.

Supervisor Bloomfield has had experience in the manufacturing field. Normally a seller, who is responsible, should know how the purchaser is going to use the product and instruct that person how to do and what they need to do for proper use of the product. The finials will need to be repaired. Some legal advice will be needed as to proceed with the manufacturer/seller about the repairs.

In conclusion, Mr. Boss had one last question pertaining to the February 23, 2009 agenda. In Executive Session, item #2, Discuss IWS Code 80B discrepancy follow-up – what does this mean? Attorney Caplicki answered by stating that presently the ERB and Planning Board have finished their review of the IWS modification application. They will submit a report to the Town Board shortly. Specifically to the question of Item #2, it pertains to Title. It refers to the fact there is arguably a discrepancy between what we have in law, Chapter 80B, in the Town Code and what level of compliance IWS is in. Those matters are still being pursued at the present time. Attorney Caplicki met with Neal Halloran, Town Building Inspector, as to what permits remain open and the status of IWS applications. We are pursuing a list of carters within the Town who access the IWS facility. We are also pursuing the tonnage requirement and certain fee issues with IWS. IWS is disputing our position. Attorney Caplicki has been dealing with IWS's in-house Council named Arthur Streeter who is currently representing them.

Doris Bialas suggested different ways to repair the Salesian Park fence finials.

Neil Hickok reviewed agenda items for clarification.

Geri Corey questioned the amounts needed to repair the Town water and sewer pipes in Arcadia Hills and Hambletonian Park. In response, Supervisor Bloomfield stated that he submitted, thru Fusco Engineering, to the Stimulus Package a request for the water and sewer pipes that need to be replaced/repared in Arcadia Hills at an estimated cost of \$2,500,000 and \$2,000,000 for Hambletonian Park. The Town also put in \$400,000 for Orzeck Road repair. Councilman Canterino commented that the Town applied for three grants to the Federal Government thru New York State to assist the Town in necessary expenditures.

Supervisor Bloomfield thanked the Boy Scouts for attending. If they have any questions after the meeting he will be available to answer them.

I. ADJOURNMENT

Meeting was adjourned at 8:20PM

J. EXECUTIVE SESSION:

Councilman Newbold made a motion to go into Executive Session to discuss the following

1. Valuation of SCARS – Contractor Assistance
2. Prospect Hill – Status
3. Payment of Village Sewer Bill and Audit Status
4. Vouchers – Personnel

with the intent not to return. The motion was seconded by Councilman Lyons. Motion carried.

Priscilla Gersbeck, Deputy Town Clerk