

**TOWN OF GOSHEN
TOWN BOARD MEETING
March 26, 2009**

A Regular Meeting of the Town Board of the Town of Goshen was held on the 26th day of March, 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
	Kenneth Newbold	Councilman
	George Lyons	Councilman
	Philip Canterino	Councilman

Also Present:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

Absent:	Louis Cappella	Councilman
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A. CALL TO ORDER: Supervisor Bloomfield called the meeting to order at 7:35 p.m. and asked Councilman Lyons to lead the Pledge.

B. AMENDMENT TO THE AGENDA: Councilman Lyons would like to add the 2009 Great American Weekend 5K and 10K. It will be placed as #4 under New Business.

C. PRIVILEGE OF THE FLOOR (agenda items only): Jerry Boss asked about the input from the Planning Board on the IWS application to expand. Supervisor Bloomfield said as the Board has declared itself Lead Agency, he asked the ERB and the Planning Board to review the application and give the Board some direction as to what it needs to do in regarding IWS. He said the Board has received a letter from the Planning Board attorney and the Board will be addressing it later in the meeting.

D. REPORTS:

COUNCILMAN NEWBOLD reported the water districts reports are all in and everything is satisfactory. He thanked the Supervisor for filling in for him at one meeting, as he had the flu.

COUNCILMAN LYONS said this coming Saturday March 28th, the Goshen Little League will be teaming up with the park staff, the Goshen Storm Travel Baseball Team and anyone else who would care to join them to restore the Cassel Field at Craigville Park. He said this is being done as a joint effort to keep expenses down to a minimum. He also reported that on April 18th, a Saturday, the JRC will be hosting a "It's My Park Day" in which the public and local service organizations will be asked to team up to help spruce up our parks. He said depending on the number of volunteers we have, they are hoping to spruce up Salesian and Craigville Parks. He said since equipment is limited they are asking that everyone bring their own rake, weed whacker, etc. The JRC will be providing garbage bags, gloves and refreshments.

Councilman Lyons also reported the JRC is looking into purchasing a new dump truck. The current truck was salvaged from the Town for a dollar almost two years ago, and is on its last leg. He said that in order to have the tank pass the New York State inspection it was estimated to cost \$6,000. He said the commissioners did not feel it was worth sinking that kind of money into an old vehicle.

COUNCILMAN PHILIP CANTERINO reported that the Supervisor had asked him to ask a couple of questions and he did. One was if the Police Department would be interested in doing a float for the parade. He said since the Police Department will be busy with public safety on that day, they would not be able to participate. He said the other question was to talk with Senator Larkin in reference to two police cars. He said he and the Police Chief went to see Senator Larkin and he said he would do his best to help. However, Councilman Canterino has not yet heard from him.

He said he has heard that there may be money available for cars for special projects, specific duties for which the vehicles would be used. He said they are looking into those type of grants now, and he will report back to the Board when he has more details.

SUPERVISOR BLOOMFIELD reported he attended a kick off for the Community Development Block Grant. He said this is where the County gives you the instructions, guidelines and applications to apply. He said later in the meeting the Board will be setting a Public Hearing to obtain some input as to what the public would like us to apply for. He said pursuant to what Councilman Newbold was referring to, he was invited to a meeting of water/sewer customers of Arcadia Hills and Hambletonian Park residents to discuss their water/sewer problems. He said it was held at the Senior Center and there were approximately eighty to ninety people present. He said he took this opportunity to explain to the residents how their water/sewer districts were created, and the inter-municipal agreements that were created through the years. He said the residents are very upset about the charges of the sewer incurred by the new sewer plant that the Village is operating and serving us with. Supervisor Bloomfield said the residents were asking questions he could not answer, and this is why the Board is asking for the sewer audit, which hopefully will explain the charges. He said then he can relay this information to these residents.

Supervisor Bloomfield said he and Councilman Canterino are negotiating the PBA contract, and have had several meetings. He said negotiations are going well, and the next meeting will be held on Monday morning.

E. OLD BUSINESS:

1. Approval of Minutes:

a. Councilman Newbold made a Motion to approve the minutes of Work Session Meetings of February 23, 2009 and March 09, 2009. Councilman Canterino seconded the Motion. Motion carried 4 to 0.

b. Councilman Canterino made a Motion to approve the minutes of Regular Meetings of February 26, 2009 and March 12, 2009. The Motion was seconded by Councilman Newbold. Motion carried 4 to 0 for February 26, 2009. The March 12th meeting was carried with a vote of 3 to 0 with Councilman Lyons abstaining as he was unable to attend the March 12th meeting.

2. Planning Board Input for IWS Application to Expand: Supervisor Bloomfield explained that the Town Board is Lead Agency of this application, and as such they asked the ERB (Environmental Review Board) and the Planning Board for their recommendations regarding the application. He said Attorney Rick Golden sent their responses to the Town Board. Attorney Caplicki reviewed the comments from the Boards, stating that the main concerns were fiscal impact issues, truck traffic, potential groundwater contamination, potential to increase the noise level, exhaust pollution, etc., management control of certain items of refuse not permitted, time frames involved for running the facility, and also that the application seem to be somewhat incomplete.

Attorney Caplicki stated the next step is to notify the applicant of the completeness portion of the application, and set up meetings with the Town Board, or the Planning Board if this Board would like the Planning Board to pursue it. He said the meetings should be set up to discuss the initiation of these studies, the extent to which we want them done, the cost thereof, and a time line for submission of the results to this Board, so it could reach a rational decision in regard to the application.

Councilman Canterino asked about the time line the Board would give the applicant to do the various studies the Board would want them to do. He was worried if the DEC might make a decision on their application prior to the Board receiving the result of the studies they will be requesting. Attorney Caplicki said his intention is to write a letter to the applicant, informing them of the Board's requests, and at the same time write to the DEC asking them not to act on their application until the Town Board of the Town of Goshen acts. Councilman Canterino also questioned the unresolved issues that are out there at this time with this applicant, and could these issues be addressed at the same time the Board is addressing these other items. He said he really does not feel the applicant can be trusted and everything that is done should be put on paper so it is completely understood. He also said the Board has not had time to really review this letter, and the Board might also have other questions.

Councilman Lyons was concerned with the first bullet in the letter referring to the amount of money held in trust by the DEC. He also expressed concern for the last sentence which states the status and adequacy of all fees to the Town, especially the tipping fees and host fees, should be analyzed, together with any impact on the tax assessment of the parcel. Councilman Lyons stated the Board has had great discussions about the host fees, and they are still outstanding. He said he was glad this was included in their comments.

Councilman Lyons said the other thing he felt was rather disconcerting was the statement by Attorney Golden that in his opinion this application does not need any approvals from either the Planning Board or the Zoning Board of Appeals. He said it appears that this Town Board will be the only Board involved. Attorney Caplicki said this was why the Board had established itself as Lead Agency.

Councilman Newbold said he was in agreement with Councilman Canterino, in regard to trusting the applicant. He said when they were before the Town Board in 2007 they promised us the world. He felt that there should definitely be a paper trail when dealing with this applicant, as they have made promises, and the Town has to this day received nothing.

Attorney Caplicki will consult with the engineer and will draw up a letter to be sent to the applicant outlining the items the Board wants addressed and bring it to the next work session. He said the Board will review it, edit it or approve it and send a carbon copy to the DEC. Attorney Caplicki said he also will submit the letter to the engineer for his approval also.

Councilman Newbold said he would like to thank Attorney Golden and the Boards for their input and the time they spent in reviewing the application.

3. Resolution to Authorize Supervisor to Sign PBA Contract for 1/1/2007 Through 12/31/2008: Attorney Caplicki presented the Board with a Resolution in reference to the contract.

**TOWN OF GOSHEN
RESOLUTION**

Authorizing the Supervisor of the Town of Goshen to sign PBA Contract for the Time Period January 1, 2007 through December 31, 2008

INTRODUCED BY: Councilman Philip Canterino
SECONDED BY: Councilman Kenneth Newbold
DATED: March 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 March, 2009;

WHEREAS, the Town of Goshen and the PBA for the Town of Goshen Police Department have negotiated and agreed to the terms of a Contract covering the members of the Town of Goshen Police Department for the period January 1, 2007 through December 31, 2008, and

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor for the Town of Goshen is hereby authorized to sign the aforementioned Contract as annexed hereto to effectuate the foregoing.

Upon Roll Call Vote:

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

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

Supervisor Bloomfield said he would like to thank Councilman Canterino for his help though the countless hours they had spent on the negotiations.

4. Heritage Estates Petition for Formation of Water and Sewer Districts: Supervisor Bloomfield reported the Board had received a petition from Heritage Estates to form a water/sewer district. Attorney Caplicki explained that Heritage Estates is a development off of Craigville Road, which has preliminary approval for it's development from the Planning Board. He said one of the requirements from the Findings of the Planning Board is that the effluent or sewer must be treated by some means. It has to be something like a stand alone or possibly pumping it to the Village of Goshen. Attorney Caplicki said at this time they are planning a stand alone package plan, and he explained it is a State Law that a Public Hearing be held when a district such as this is created.

Supervisor Bloomfield said the Board had discussed this at the Work Session and would like to meet with the petitioners prior to the Public Hearing. He said he would like to schedule it for the Work Session on April 6th where the petitioner could come in and explain what they want to do.

Attorney Caplicki suggested a Public Hearing be set in May. Councilman Canterino made a Motion to set a Public Hearing for the creation of a water/sewer district for Heritage Estates on May 14, 2009 at 7:30 p.m. or as soon thereafter as the matter can be heard. Councilman Lyons seconded the Motion for discussion. There was a short discussion on the possibility of it being built to be expandable at a later date. The Motion was carried with a vote of 4 to 0.

Attorney Caplicki will contact James Sweeney, Heritages Estates' attorney to make arrangements for the petitioner to be present at the April 6th Work Session. It was decided to ask the Town Engineer to be present at this meeting also.

F. NEW BUSINESS:

1. Request by Goshen Receiver of Taxes to Raise the Fee for the 2nd Notices for "Payment Due" to \$2.00 per RPTL Starting Year 2010: Attorney Caplicki explained that in order to do this a State Law requires it be done with a Local Law or Resolution. The Board decided to do it by Resolution at the next meeting.

2. Set Public Hearing for Community Block Grant: Supervisor Bloomfield suggest the Public Hearing be held on April 20th. Councilman Newbold made a Motion to set a Public Hearing for April 20, 2009 at 7:30 p.m. or as soon thereafter as the matter can be heard, to solicit public input in regard to the Community Block Grant. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

3. 5k and 10k Great American Weekend: Councilman Lyons stated the Town Board had received a request from Robert Dickover, on behalf of the Goshen Rotary Club to hold a 5K and 10K road race in conjunction with the Great American Weekend. Race registration will begin at 6:00 A.M. and the races will begin at 8:00 A.M. The races should be concluded by 11:00 A.M. Councilman Lyons made a Motion to allow the Goshen Rotary Club to hold a 5K and 10K road race on July 4, 2009. The Motion was seconded by Councilman Newbold. Motion carried 4 to 0.

4. Financial Audit Review of Village Sewer Charges: Supervisor Bloomfield explained that after meetings with Hambletonian Park and Arcadia Hills Water/Sewer Districts residents and the Town Board, Supervisor Bloomfield and Attorney Caplicki sat down with Stephen Brown, the Town's Certified Public Accountant. The Supervisor said they discussed the information they had in regard to the charges and what information Mr. Brown would need from the Village. Mr. Brown then sent a letter to the Village on March 13, 2009 asking for additional information the Board would like to have. He said this afternoon he and Attorney Caplicki met with the Mayor Elect, John Higgins and the Village Attorney David Donovan. Attorney Donovan had some of the information requested, but not all of it. He said he has passed the information received on to Mr. Brown.

Supervisor Bloomfield referred to a report from Mr. Brown based on his discussion with the Board and what would happen based on the following: Reduction of administrative category 8110.4 by 25% due to the belief it is inflated with engineering (and learning), and elimination of transmission line category 8120.4, reduction of debt service by 25% for capacity changes and 10% for landfill issues. In doing this the Arcadia Invoice would go from 217,373 for 2008 to \$158,326 and Hambletonian Park would go from \$154,046 for 2008 to \$112,201. Supervisor Bloomfield said these figures were about the same amount the Town budgeted for.

Supervisor Bloomfield said he spoke with the Village attorney today and told him the Town would send him a check for what the Town feels is a prudent amount of money, and the items in question can be negotiated going forward. The Board agreed that some of the money had to be

paid, as the Village has to have it to meet their responsibilities. Attorney Caplicki stated there are a number of items in the calculations that should be recalculated. Attorney Caplicki stated the Board will meet again with the Village when Mr. Brown finishes his analysis. Supervisor Bloomfield said he advised the Village that the highest priority is to develop a service contract whereby our Board and their Board agree that these are the services they will provide and, at what price. This would then be a part of our new Inter- Municipal Agreement. Supervisor Bloomfield said the Inter-Municipal Agreement in the past have all been "woefully lacking", and really need to be updated.

Councilman Lyons asked how Mr. Brown came up with reasons to change the Transmission Lines and the debt service? Supervisor Bloomfield explained the Board does not know what is in the Transmission Lines. He said in 2005 Arcadia Hills had eleven breaks in the lines that connect Arcadia Hills to the Village, and we paid \$110,000 to fix these breaks. Supervisor Bloomfield said you can see in the revised amount the Transmission Lines is gone, as we feel they were charging for transmission lines that we were paying for instead of them.

Supervisor Bloomfield went on to explain the debt service. He said it is based on two things, one is the cost of the plant which was approximately twenty eight million dollars. However, there was an additional charge of x number of millions as the Village wanted to build it on the Village's abandoned landfill. Having been a landfill, the DEC said they would have to remove all the contaminated soil. Supervisor Bloomfield said we had no part in the decision to build the plant there, that was the Village's decision. Therefore, the 10% was taken off the principal and interest. He said also the Village added 25% capacity without ever notifying the Town, saying they might want future customers. The Board feels that Hambletonian Park and Arcadia Hills which will remain the same should not have to pay for future users.

Councilman Newbold made a Motion to authorize the Town Budget Officer to pay the Village \$270,527.00. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

G. FINANCE: Councilman Canterino made a Motion to authorize the Supervisor to pay A/P Check Run of 03/26/2009 amounting to \$246,147.19. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0.

Councilman Newbold said he would like to wish the new Village Mayor and Trustees success and to thank Susan Bloom for her years of service as a Village Trustee.

H. PRIVILEGE OF THE FLOOR:

Susan Bloom said in reference to the IWS application she agreed with Councilman Canterino in reference to money and the DEC. She said she had a conversation with the DEC recently and they said they are backed up and short handed. She felt the Planning Board was handling it well.

She also asked what kind of system Heritage Estates is asking for. The Supervisor said the Board will not know until they meet with them on April 6th. She expressed concern that it might one day be turned over to the Town.

Ms. Bloom congratulated Councilman Canterino on running a good campaign in his quest for Mayor.

Jerry Boss asked who is the Police Commissioner. Councilman Canterino said he is the Police liaison. He asked when our police officers appear before the Town Justices do they prosecute their own cases? Councilman Canterino replied the court has a prosecutor who does this. Mr. Boss said due to the financial crunch everyone is in, he was a trooper for five years and

prosecuted his own cases, why are we spending this money? Supervisor Bloomfield reported that the head of the State Police said he would no longer spend money to pay his troopers to prosecute cases. He said under these circumstance there would be no other alternative, but to dismiss the cases. Mr. Boss said he was not talking about the State Police, but the Town Police Officers. Councilman Canterino explained the prosecutor can plead them down and this money comes 100% to the Town. The Board discussed the need for the prosecutor and there seemed to be some confusion as to whether the trooper's decision not to prosecute applied to the Policeman on the Town level. The Supervisor said he would inquire and get a definite answer and get back to Mr. Boss.

Mr. Boss said in regard to IWS, when Mr. Frank Celli Jr. first came in to talk to the Board, he was asked about the tipping fees, and Mr. Boss thought he had said he would think about it. The Board said they remembered him saying they would be open to discussion. Mr. Boss said that was at least two years ago. He asked what would be the monies collected if it had been established at that time? He felt this is money that could support our Senior Center, the Humane Society, etc. He said IWS has had a banner financial year in 2008 and should not have had a hard time giving the Town of Goshen it's tipping fees, a host fee and paying the fees they owe. Mr. Boss said he will be talking to Senator Hinchey, Kirsten Gillibrand and Attorney General Andrew Cuomo. He said he is requesting an inquiry into AIG and their relationship with IWS, as to ownership and relationship and any bonuses awarded to IWS management team. He said also he will request all present and former principals of IWS be vetted as to their association with the former Al Turi Landfill, All Waste Services and all the related companies owned by the Milo conglomerate. He said since 1983 through 2008, "this Town has been, in my opinion, negligent in enforcing its laws on collecting fees from some companies operating Trash Businesses on Harley Road in the Town of Goshen". He said he felt that Town Boards, past and present have not enforced Town Laws pertaining to trash collection, transfer stations, and land fills.

Neal Hickkok asked for some clarification on the power plant proposed for the Town of Wawayanda. Supervisor Bloomfield explained the project and stated Goshen's objections will be presented at the upcoming Public Hearing.

Another gentleman spoke, but did not use the microphone and could not be heard. He was talking about the capacity of the new sewer treatment center.

Councilman Newbold expressed concern for a wire fence that was being put up by a resident on Reservoir Road on the side of the Reservoir, and the fact it was very close to the Road. Attorney Caplicki said the Building Inspector has been sent out to assess the situation.

ADJOURNMENT: Councilman Newbold made a Motion to adjourn the meeting, and go into Executive Session with intent not to return to discuss:

1. Land Donation Status
2. IWS – 80B Status Update
3. Two Tax Certs.

The Motion was Seconded by Councilman Canterino

Time 9:24 p.m.

Valma Eisma, Town Clerk