

TOWN OF GOSHEN
TOWN BOARD WORK SESSION
May 26, 2009

A work session of the Town Board of the Town of Goshen was held on the 26th day of May, 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
	Philip Canterino	Councilman
	Louis Cappella	Councilman
	George Lyons	Councilman
	Kenneth Newbold	Councilman

Also Present:	Dennis Caplicki	Attorney for the Town
	Valma Eisma	Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:30 p.m.

1. REQUEST BY DAVID LYONS TO REDUCE MAY, 2009 WATER BILL DUE TO FROZEN OUTDOOR FAUCET WITH RESULTANT WATER LEAK:

Supervisor Bloomfield explained that he had received a letter from a resident of Stone Hedge, David Lyons, saying that two months ago he and his wife had to make an emergency flight to Arizona to attend the funeral of an unexpected death. While they were away, an outdoor faucet at their home malfunctioned and water ran full force for some days. He had contacted his insurance company and they will not cover any cost for water, since there was no damage to the house. The current charge of \$525.97 is much more than the usual \$185.52, (Capital Project \$59.52 plus \$126.00 our usual base charge). He said he would appreciate your consideration for excusing this extra charge of \$340.45.

The Board discussed this at length and examined the current bill and previous charges. The Board agreed they have made concessions previously where the bills were much higher and there were different circumstances. Councilman Lyons expressed concern about setting a precedent, and felt that when these incidents occur they need to be handled case by case. The Board discussed the previous cases and the fact that in these cases things happened that were beyond their control. Councilman Canterino said he turns off his outside faucet in the fall and turns it back on in the spring to keep it from freezing. Some other Board members do the same. Supervisor Bloomfield explained that this is the same self-bleeding faucet that he has and does not require turning it off.

Councilman Newbold made a Motion to split the bill fifty percent, the Motion was seconded by Councilman Lyons for discussion. After a brief discussion the Motion was called and carried unanimously.

2. BUDGET OFFICER'S REQUEST TO CLOSE JRC "SPECIAL GAMES OF CHANCE" BANK ACCOUNT WITH BANK OF AMERICA:

Supervisor Bloomfield asked Councilman Lyons to explain the request. Councilman Lyons stated this was on the Board's agenda at the last meeting, but was tabled due to the fact the Board wanted more information. He said the money involved is approximately \$350 and it should be put back in the JRC fund. He explained the account has not been used since the JRC found they could not generate funds using games of chance. Councilman Lyons made a Motion to close the Bank of American account and return the money to the JRC General Account. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

3. REVIEW/APPROVE ESTIMATE FOR "DATA/BACKUP" SOFTWARE AND SERVICE:

Supervisor Bloomfield said he and his secretary Barbara, met with Fred Lewis of Fred Lewis Computers, Inc. to discuss a backup plan for the Town's software. He said at this time it is being done once a week by Barbara and taken home to be kept at her home. He stated that at this time there is a method of backing up the material automatically, and the cost would be \$514.33. Councilman Cappella made a Motion to purchase the system. Councilman Lyons seconded the Motion for discussion.

Councilman Canterino said that Frontier is offering a program, with a monthly payment, that will back up the data three times a day. He said that if the our system should crash, Frontier can reconstruct the whole system. He suggested the Board should contact them and obtain an estimate from them. Supervisor Bloomfield replied if the Councilmen would like to table their Motion, he thought it a good idea to contact Frontier and compare the costs and the services. Councilman Cappella stated he would like to have more information also. Supervisor Bloomfield suggested the Councilman remove their Motion and he would have someone come before the Board to explain the system. Councilman Cappella withdrew his Motion and Councilman Lyons withdrew his second.

4. JESSUP SWITCH ROAD GRANT UPDATE: Supervisor Bloomfield said he received a call from Joanne Fazzino, from the Office of Community Development, saying that they have come into some money due to the Recovery Act (Stimulus) program. She is encouraging the Board to apply for Jessup Switch Road. The Town submitted an application for funding last year for Jessup Switch Road improvements. At that time the project was included in the County's 2009 Action Plan to HUD as a "reserve" project – as a project that could be funded if additional Community Development Block Grant funding became available.

Supervisor Bloomfield said that last year the Board was offered \$286,000. for asphalt and the work. Our Engineer, Dennis Lindsey estimated the work to cost \$530,000. Dennis Lindsey is looking into how much of the road can be done for the \$286,000; with our men doing the work and then possibly obtaining some chip money, or Stimulus money might be available. The Supervisor will pursue the two programs with the help of Engineer Dennis Lindsey. If the Stimulus money is not available the Board will pursue the Community Development Grant.

5. REVIEW PROPOSED WATER/SEWER RATE CHANGES AND CAPITAL PROJECT PLANS:

Supervisor Bloomfield explained the Budget Officer wrote a letter to the Village asking what their estimated cost would be for the upcoming year. A letter came back from Joan Perez and, she said there will be a 6% increase on top of what was billed in 2008.

He then went over the effect the information would have on the up coming proposed water/sewer rates. He explained that the rates would have to represent and be based on the full amount owed to the Village, if no discrepancies are found. If a lower cost is negotiated, the rate will be lower. The Board reviewed the following rate charts line by line:

**PROPOSED RATE INCREASE – SEWER & WATER
RATE INCREASES EFFECTIVE 8/12/2009 & RECEIVABLE 11/1/2009**

DISTRICT RATE INCREASES	GALLON USAGE	---PER THOUSAND ---		NET CHANGE
		CURRENT RATE	PROPOSED RATE	
HAM. PARK SEWER (166 HOMES)	0-5,000 Gals.	\$20.50	\$25.00	\$4.50
KEY ITEM:				
\$25,000 DEFICIT FUND BALANCE	5,001-10,000	\$21.75	\$28.25	\$6.50
\$44,000 VILLAGE SEWER INCREASE	10,000-15,000	\$22.00	\$28.50	\$6.50
	15,001-20,000	\$22.25	\$29.00	\$6.75
	20,000-----	\$22.50	\$29.50	\$7.00
NET AVERAGE INCREASE PER HOUSEHOLD PER YEAR:				\$326.08
NET AVERAGE INCREASE PER HOUSEHOLD PER QTR:				\$ 81.52
NET AVERAGE PERCENTAGE INCREASE:				\$ 30.02%
HAM. PARK WATER(165 HOMES)	0-5,000GALS	\$12.25	\$12.25	-
KEY ITEMS				
\$10,000 DEFICIT FUND BALANCE	5,001-1000	\$13.25	\$13.25	-
\$35,760 CAPITAL PROJECT-WATER LINES	10,001-15,000	\$13.75	\$13.75	-
	15,001-20,000	\$14.25	\$14.25	-
	20,000-----	\$15.00	\$15.00	-
NEW WATER LINES(FLAT RATE/HOME/YR)				\$219.39
NEW WATER LINES(FLAT RATE/HOME/QTR)				\$ 54.85
NET AVERAGE INCREASE PER HOUSEHOLD PER YEAR:				-
NET AVERAGE INCREASE PER HOUSEHOLD PER QTR:				-
NET AVERAGE PERCENTAGE INCREASE:				0.00%

Supervisor Bloomfield referred to the cost increase analysis:

COST INCREASE ANALYSIS

HAMBLETONIAN PARK SEWER

2006 BASE	2007 BUDGET	2 007 BILLED	2008 BUDGET	2008 BILLED	%BILLED TO BUDGET	2009 PAID
\$ 32,647	\$ 67,700	\$69,377	\$115,000	\$ 154,016	34%	\$ 112,201

ACADIA HILLS SEWER

2006 BASE	2007 BUDGET	2007 BILLED	2008 BUDGET	2008 BILLED	% BILLED TO BUDGET	2009 PAID
\$ 50,855	\$106,400 109%	\$99,855	\$162,000 52%	\$ 217,373	34%	\$ 158,326

PROPOSED COST OF INCREASE FROM VILLAGE

HAMBLETONIAN PARK SEWER

2009 BILLED	2010 @ 6% INCREASE	INCR. FROM 2009 BILLING	2009 P AID	2008 UNEXPLAINED BILLING	UNEXPLAINED PLUS 6%
\$154,046.00	\$163,288.76	\$9,242.76	\$112,201.00	\$41,845.00	\$51,087.76

ARCADIA HILLS SEWER

\$ 217,373.00	\$230,415.38	\$13,042.38	\$158,326.00	\$ 59,047.00	\$72,089
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RATE CHANGES

HAMBLETONIAN PARK SEWER

GALLONS	CURRENT RATES	FULL BILLING PLUS 6%	% INCR. FROM CURRENT RATES
0-5,000 GALS.	\$ 20.50	\$ 25.00	22%
5,001-10,000	\$ 21,75	\$ 28.25	30%
10,001-15,000	\$ 22.00	\$ 28.50	30%
15,001-20,000	\$ 22.25	\$ 29.00	30%
20,000 -----	\$ 22.50	\$ 29.50	31%

ARCADIA HILLS SEWER

0,12,000 GALS.	\$ 20.50	\$ 21.00	2%
12,001-17,000	\$ 22.00	\$ 26.00	18%
17,001-22,000	\$ 22.75	\$ 26.25	15%
22,000-----	\$ 23.25	\$ 26.50	14%

**PROPOSED RATE INCREASE – SEWER & WATER
RATE INCREASES EFFECTIVE 8/1/2009 & RECEIVABLE 11/1/2009**

----PER THOUSAND---

DISTRICT RATE INCREASES	GALLON USAGE	CURRENT RATE	PROPOSED RATE	NET CHANGE
<u>ARCADIA HILLS SEWER</u>				
<u>(256 HOMES)</u>	0-12,000 GALS.	\$ 20.50	\$21.00	\$0.50
<u>KEY ITEMS:</u>	12,001-17,000	\$ 22.00	\$26.00	\$4.00
\$100,000	17,001-22,000	\$22.75	\$26.25	\$3.50
\$63,000 Village sewer increase	22,000 -----	\$23.25	\$26.50	\$3.25

NET AVERAGE INCREASE PER HOUSEHOLD PER YEAR:	\$ 181.32
NET AVERAGE INCREASE PER HOUSEHOLD PER QTR.	\$ 45.33
NET AVERAGE PERCENTAGE INCREASE:	\$ 13.14%

<u>ARCADIA HILLS WATER</u>	0-12,000	\$ 7.25	\$ 7.25	-
<u>(263 HOMES)</u>	12-001-17,000	\$ 8.00	\$ 8.00	-
<u>KEY ITEMS;</u>	17,001-22,000	\$ 8.50	\$ 8.50	-
\$20,000 Well	22,000-----	\$ 9.00	\$ 9.00	-

WELL UPGRADES (FLAT RATE/HOME/YR	\$ 76.63
WELL UPGRADES (FLAT RATE/HOME/QTR	\$ 19.16

NET AVERAGE INCREASE PER HOUSEHOLD PER YEAR	\$ ---
NET AVERAGE INCREASE PER HOUSEHOLD PER QTR	\$ ---
NET AVERAGE PERCENTAGE INCREASE	0.00%

**PROPOSED RATE INCREASE – SEWER & WATER
RATE INCREASES EFFECTIVE 8/1/2009 & RECEIVABLE 11/1/2009**

--PER THOUSAND--

<u>DISTRICT RATE INCREASES</u>	<u>GALLON USAGE</u>	<u>CURRENT RATE</u>	<u>PROPOSED RATE</u>	<u>NET CHANGE</u>
<u>STONEHEDGE WATER</u>	0-12,000 GALS	\$ 10.50	\$ 10.50	\$ ---
<u>(42 HOMES)</u>	12,001-17,000	\$ 11.00	\$ 11.00	\$ ---
	17,001-22,000	\$ 11.50	\$ 11.50	\$ ---
	22,000 -----	\$ 11.75	\$ 11.75	
	NEW WELL (FLAT RATE/HOME/YR)		\$ 238.09	
	NEW WELL (FLAT RATE/HOME/QTR)		\$ 59.52	
	NET AVERAGE INCREASE PER HOUSEHOLD PER YEAR:		\$ ---	
	NET AVERAGE INCREASE PER HOUSEHOLD PER QTR:		\$ ---	
	NET AVERAGE PERCENTAGE INCREASE		0.00%	

**PROPOSED RATE INCREASE – SEWER & WATER
RATE INCREASES EFFECTIVE 8/1/2009 & RECEIVABLE 11/1/2009**

---PER THOUSAND---

<u>DISTRICT RATE INCREASES</u>	<u>GALLON USAGE</u>	<u>CURRENT RATE</u>	<u>PROPOSED RATE</u>	<u>NET CHANGE</u>
	---WITH WATER TOWER FLAT RATE (3 YEARS)			
<u>SCOTCHTOWN WATER</u>	0-12,000 GALS.	\$15.50	\$ 15.50	\$ --
<u>(45 Homes)</u>	12,001-17,000	\$16.00	\$16.00	\$ --
<u>KEY ITEMS:</u>	17,001-22,000	\$16.50	\$ 16.50	\$ --
\$35,000 new water	22,000 -----	\$16.75	\$ 16.75	\$ --
Tower (3YEARS)*	22,000 -----	\$16.75	\$ 16.75	\$ --
	NEW WATER TOWER (FLAT RATE/HOME/YR)		\$ 259.26	
	NEW WATER TOWER (FLAT RATE/HOME/QTR)		\$ 64.82	
	NET AVERAGE INCREASE PER HOUSEHOLD PER YEAR :		\$ --	
	NET AVERAGE INCREASE PER HOUSEHOLD TO PER QTR:		\$ --	
	NET AVERAGE PERCENTAGE INCREASE:		0.00%	

Supervisor Bloomfield stated this is the first time in years that all four water districts are in the black, and are still getting the capital improvements done, that the Board wanted to do. The Board discussed the line repairs that were done in Hambletonian Park and the fact that there has not been a water break there since.

Supervisor Bloomfield reported Stone Hedge has been criticized by the Department of Health for not having a backup well. He said the district has now collected enough money to start on that backup well.

He reported that when the Board took over Scotchtown Water District, there was a one time assessment to bring the system up to par. He said there is now a water tank out there that is half full of rust and it will be need to be replaced. He said he hoped the Board would be able to do that later in the year.

Supervisor Bloomfield stated the Village has reported there will be a 6% increase raise in the sewer rate to the Town this coming year, and he asked the Board what their feelings were regarding this. Councilman Canterino said the problem lies with the unexplained amount that was above the amount the town collected when it went with the estimate the Village had given the Town to collect. He said if the amount proves to be accurate, the 6% would have to be based on that figure. If not Councilman Canterino said the Village would have to explain and deduct the discrepancy and things would go back to the way they should be.

Various scenarios were discussed, among them, at some point a special assessment might be necessary. The Board agreed that the Village has to be paid for the sewer and that they want to pay them for the right amount. The Board agreed that rates discussed tonight will be presented to the public, at the Public Hearing, so that they have in front of them all the information the Board has.

6. STATUS REVIEW OF VILLAGE SEWER FINANCIAL AUDIT

Supervisor Bloomfield presented the Board with a letter he sent to the State Comptroller asking for an audit of the Village sewer operations and financial records, as well as the Town's. He asked Attorney Caplicki the status of Steve Brown's audit. Attorney Caplicki explained Mr. Brown was still working on the report and was waiting for additional information. He did not feel it would be completed by Thursday night, in time for the Public Hearing. Supervisor Bloomfield said he hoped that both audits would be done parallel to each other, so that he would be able to tell the people there would or would not be a special assessment.

The Board discussed at length the construction of the New Village Sewer, how the building of it was handled, and the fact that the capacity seems far more than was needed. The problem of the contaminated soil that was moved and stockpiled, and now this material has to be handled for a second time, which will be very costly and again billed to the sewer districts. The Board felt that these costs could have been avoided, or could have cost less. Councilman Canterino said all of this is extremely important to the Village residents, including himself, as well as the Town residents.

The Board felt negotiations are needed and questioned who should be negotiating. Attorney Caplicki stated that so far the Attorneys have been trying to do it. The Board agreed the Attorneys should no longer do this. They felt very strongly that the Attorneys should not be involved in the negotiations, as they might be called upon to represent the Town and Village should this turn into litigation. Supervisor Bloomfield said this is the elected officials problem and the negotiators should be a Councilman from the Town Board and a member of the Board of Trustees from the Village.

7. AUTHORIZE SUPERVISOR TO ADVERTISE FOR DEPUTY ASSESSOR POSITION EFFECTIVE 7/1/2009:

Supervisor Bloomfield said there is money in the budget for this position and a part time position has not been filled. The Town Assessor is planning on possibly retiring in the end of 2010. Supervisor Bloomfield said he felt the Board should take its time to be sure the right candidate is chosen. Councilman Lyons made a Motion to authorize Supervisor Bloomfield to advertise for a Deputy Assessor, and Councilman Newbold seconded the Motion. Motion carried unanimously.

8. REQUEST FOR SPEED LIMIT REDUCTION: JOHN AND ELAINE HOPKINS:

Councilman Canterino reported he received a letter from John and Elaine Hopkins stating that they are upset and dismayed over the placement of a speed limit of 55 miles per hour sign that was placed a few feet from their property within the Village of Goshen. The Village speed limit is 30 miles per hour, not 55 miles per hour. The signs are almost across from each other. This causes a very serious problem as there is no sight distance to decrease the speed of a car coming into the Village of Goshen. Where the sign is located there is a small hill, and the incoming cars and the out going cars from Town to Village and vice versa, cannot see each other. Supervisor Bloomfield said the Town Clerk would have to petition the County first and the County passes the request to the State. Councilman Lyons suggested the Board ask to have the 55 mile sign taken down while the issue is resolved. Councilman Canterino made a Motion to petition the State to reexamine the placement of the 55 mile sign, and reduce the speed to at least 40 mph up to the Town Line to give the traffic time to slow down before hitting the 30 mph of the Village, and the possibility of removing the sign until the issue is resolved. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

9. FINALIZE PURCHASE OF JIM CAGGIANO PROPERTY:

Supervisor Bloomfield asked Attorney Caplicki to report the status of this purchase. Attorney Caplicki explained that for some time the Board has been negotiating with the Caggiano family for the purchase of a portion of the property know as Section 13, Block 14, lot 1 located on August Road. Councilman Lyons made a Motion to authorize the Supervisor to execute the settlement to purchase the Caggiano property for the sum of \$3000.00.

Roll Call Vote:

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

Vote: Motion carried 5 to 0

10. COLLATERAL SOURCE LEGISLATION : Supervisor Bloomfield reported he had received a letter from Barry P. Schwartz, Senior Counsel, Appeals Division, in the New York City Law Department. He said Mr. Schwartz is requesting the Town to support the endeavor to eliminate the current inequitable taxpayer-funded "double-dipping" windfalls which are now accorded only in favor of public employees against their public employers in personal injury and other tort actions. The letter explained that under current State law, public employees hurt on the job, unlike their private sector counterparts, are paid twice, both times out of the taxpayers' pocket, for the same lost future earnings. The Supervisor explained that this "double-dipping" occurs when public employees receive both disability payments from their taxpayer-funded pensions as well as any amount they recover in lost earnings from a lawsuit against their state or local government employers.

Supervisor Bloomfield said there is a resolution Mr. Schwartz wants the Board to agree with, but he suggested it be tabled until Thursday's meeting. Councilman Lyons questioned why this would not be covered under Worker's Comp. The other members of the Board had questions also. It was decided that it would be best if this was tabled to Thursday's meeting or beyond.

11: REQUEST FROM GOSHEN LIONS CLUB TO USE TOWN HALL PARKING LOT ON JULY 4TH:

Supervisor Bloomfield call the Board's attention to a request from the Goshen Lions Club for the use of the Town Hall parking lot for a Car Show on Saturday, July 4, 2009 from 9:00 a.m to 3:00 p.m. They would like to use it as a fundraiser event for the Goshen Lions Club. They would be charging \$15.00 to register the car and would also like to run a 50/50 raffle.

The Board discussed the request at length, and their main concern was that the request did not come from the Chamber which is sponsoring the Great American Weekend held on the 4th of July weekend. The Councilmen thought it was not a good idea to take away the parking in the Town Hall lot that will be needed for the general public, and the car show will bring an additional number of cars that will need to be parked somewhere. The Board agreed it would be better to place this car show on vacant County property. It was also possible the Chamber is planning it's own show and this would be competing. Supervisor Bloomfield said he would contact the Chamber, of which the Town is a member, and inquire if this is part of their planned program for the weekend. He also said the two contact people, Lynn Cione from the Chamber and Kim Marie Jablonski representing the Lions Club could work things out. It will be tabled until Thursday's Meeting.

12. COUNCILMAN LYONS LEAVE OF ABSENCE:

Supervisor Bloomfield asked Councilman Lyons to explain his request to the Board. Councilman Lyons said his request might seem strange, however the procedure is required as one of the steps necessary for processing his retirement and pension. He said he is retiring from his teaching position in Newburgh as of July 1st, 2009, and that is the reason for the following memo:

MEMORANDUM

TO: Supervisor & Town Board

FROM: George Lyons, Councilman

DATE: May 16, 2009

RE: Request of Leave of Absence

I would like to request a leave of absence, without pay, for the two week period covering May 29, 2009 through June 14, 2009 I will return to my position effective June 14, 2009, as soon as the paperwork is completed.

I am retiring from my full-time position with the Newburgh City School District and this procedure is required as one of the steps necessary for processing my retirement and pension.

Councilman Lyons explained that he has time earned from his days as Village Trustee, Mayor and Councilman that can be converted to add to his pension. However, it is a requirement that there be a leave of absence from this position in order for it to transfer over to the teacher retirement pension.

MEMORANDUM ACKNOWLEDGEMENT:

The Town Board of the Town of Goshen acknowledged the receipt and acceptance of Councilman Lyon's Request for an unpaid leave of absence for the period covering May 29, 2009 through June 14, 2009 at the May 26, 2009 Town Board Meeting. The acknowledgement is spread upon the minutes.

Supervisor Bloomfield said, having finished the agenda, if anyone had anything they would like to add. Councilman Canterino reported that at one time BOCES had a police car when they started a Police Chief's program. However, the program was never developed and the car was just sitting there. He inquired to see if it was still there, but they have been stripped it of any police equipment and marking and are using it around the premises. Therefore, there is no longer an option to purchase.

Supervisor Bloomfield asked if he had heard from Senator Larkin and Councilman Canterino replied he had not. He said they are going to try to get two cars with another request as there are funds out there. Supervisor Bloomfield said he has been talking to John Hall's office and others trying to locate where the money is that John Hall promised, and it is still tied up in red tape, but a Mr. Mello is helping to hopefully move it along.

Joel Markovitz asked if the Board had heard from the Comptroller in answer to the Supervisor's request for the audits of the Village and the Town's sewer bills. Supervisor Bloomfield replied no, as it was just recently sent.

With no further business Councilman Canterino made the Motion to adjourn the meeting and go into Executive Session to discuss # 1. Land Donation Status, # 2, IWS Application for Expansion Status, #3. Personnel Joint Recreation with intent not to return. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

Time: 9:20 p.m.

Valma Eisma, Town Clerk

