

TOWN OF GOSHEN
TOWN BOARD MEETING

August 13, 2009

MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 13th day of August, 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
	Louis Cappella	Councilman
	George Lyons	Councilman
	Kenneth Newbold	Councilman

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 7:36pm, followed by the Pledge of Allegiance

B. AMENDMENT TO THE AGENDA

Item #3 on the agenda has been tabled to the next work session. We have not received the bid package.

C. PRIVILEGE OF THE FLOOR

None at this time

D. OLD BUSINESS:

1. REQUEST NEWSPAPER CORRECTION FOR AMOUNT OF ASSEMBLYWOMAN, ANNIE RABBITT'S, GRANT TO THE TOWN OF GOSHEN AS \$54,776 VERSUS \$5,476 ACTUAL AMOUNT

Supervisor Bloomfield asked Neil Hickok, reporter for the INDY, if he could look into correcting the amount of \$54,776 that was incorrectly published. The correction should read as \$5,476.

2. REVIEW RESOLUTION TO SETTLE THE HARNESS ESTATES TAX CERTIORARI

TOWN OF GOSHEN
RESOLUTION

Settlement of Tax Review Proceeding; Harness Estates, LLC, et al v. Assessor, Town of Goshen; Index Nos. 6267/06, 7072/07. 8007/08, 8014/09

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman George Lyons

DATED: August 13, 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 13th day of August, 2009;

WHEREAS, Harness Estates, LLC et al have initiated tax review proceedings against the Town of Goshen with respect to certain real property, and

WHEREAS, subsequent to review, defense, research and analysis, the Town of Goshen proposes to settle said tax review proceedings, and

NOW, THEREFORE BE IT RESOLVED, that the aforementioned tax review proceedings be resolved/settled by establishing assessments for the subject real property parcels for tax years 2006/2007 through 2009/2010 at the levels as set forth on Schedules A, B, C and D annexed.

BE IT FURTHER RESOLVED, that Counsel for the Town of Goshen and Jo Ann Soules, Town Assessor, are authorized to sign any and all documents as are necessary to effectuate the terms of this settlement resolution; it being understood that any Consent Judgment shall provide that any refunds of special district taxes are only for special district ad valorem taxes and further that any Consent Judgment shall also include a waiver of interest provision.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, Philip Canterino	<u>AYE</u>
Councilperson, Louis Cappella	<u>AYE</u>	Councilperson, Kenneth Newbold	<u>AYE</u>
Councilperson, George Lyons	<u>AYE</u>		

Vote: Resolution carried by a vote of 5 to 0

[Attachments Schedule "A", Schedule "B", Schedule "C" and Schedule "D" are on file in the Town Clerk's Office]

Supervisor Bloomfield listed the impact of the refunds of the various taxing jurisdictions, covering tax years of 2006, 2007 and 2008. The Town of Goshen will have to pay back \$6,020.50, the Fire Depts. will have to pay back \$5,763.57, the County will have to pay back \$14,906.66, the Village will have to pay back \$32,146.84 and the School District will have to pay back \$86,142.10. We are trying to pay back as many tax certioraris, back to the year 2000, as possible. Resolving them will eliminate "hidden liabilities".

3. (See amendment to the agenda)

4. **DISCUSS AUTHORIZING THE CHIEF OF POLICE TO PURCHASE A POLICE CAR USING THE N.Y.S. BID SYSTEM OR POSSIBLY THE CLUNKER TRADE IN**

Councilman Canterino discussed changing the fleet from 8 cylinders to fuel efficient 6 cylinder vehicles with Chief Marsh. Councilman Canterino has contacted a dealership to research whether any of the patrol cars fall into the "cash for clunkers" trade in program. If we can meet the criteria, we can possibly receive a \$3,500 trade in for the Crown Victoria. Another possibility is to see if this vehicle can be put on the surplus list.

Councilman Lyons stated that there is a high probability we will receive a \$30,000 grant from the office of Senator Larkin to purchase a patrol car. Regardless, while waiting for final confirmation, we still have to purchase a patrol car.

5. **STATUS REVIEW OF VILLAGE SEWER RECORDS BY S. BROWN, CPA/RIDDICK ASSOCIATES**

Attorney Caplicki is waiting for one more information packet from the Village. Hopefully, the Village will respond. This packet is a very technical AIA architect contract breakdown. It is a breakdown of the change orders and sign-offs of the architectural review and construction process. We are interested in costs/monies spent for certain purposes. A full briefing from Riddick Associates and CPA, S. Brown should be ready in the beginning of September.

6. **REVIEW TIME WARNER FRANCHISE RENEWAL STATUS**

Attorney Caplicki gave a history of the Time Warner Franchise in Goshen. The last franchise agreement expired on May 11, 2004. Since then they have been operating under a temporary grant. This temporary agreement will expire on August 22, 2009. Attorney Caplicki has made multiple attempts to contact a representative in Time Warner. He has had no response from them as to a formal proposal to renew the franchise agreement. It would be in their best interest to renew this agreement, as someone else can come in and make a new agreement with the Town.

7. **APPROVE TOWN BOARD MINUTES**

Councilman Newbold made the motion to approve the work session minutes of July 6th and July 20, 2009 and the regular meetings of June 25th, July 9th and July 23, 2009. Councilman Lyons seconded the motion.

Discussion: Councilman Lyons made a few typo corrections to the minutes. The Clerk agreed to make the necessary corrections.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold
0 NAYS

E. NEW BUSINESS:

None at this time.

F. FINANCE:

Councilman Newbold made the motion to authorize the Supervisor to pay A/P check run for 8/13/2009 amounting to \$214,150.86 and manual check run dated 8/11/2009 amounting to \$290.48 and manual check run dated 8/13/2009 for \$1,446.86. Councilman Canterino seconded the motion.

On a Voice Vote, the motion passed: 5 AYES Bloomfield, Canterino, Cappella, Lyons, Newbold
0 NAYS

G. PRIVILEGE OF THE FLOOR:

Gary Wile voiced his concerns over the 2009 home sales which are all in through July 1st. The impact of those sales will add to the amount of 2010 grievances that will be submitted to the Assessor's Office. According to his research, there are probably hundreds of homes assessed \$50,000 to \$100,000 higher than the current market values are showing. The sales that are coming through are considerably lower than the current market value used for assessments. He strongly feels that the Town should conduct a re-evaluation to eliminate the amount of grievances submitted.

Supervisor Bloomfield responded that the decision for a re-evaluation is definite. Along with Councilman Canterino they have met with a professional re-evaluation firm to understand the process. They are looking at a computer re-evaluation as opposed to an earth re-evaluation. Councilman Canterino feels that by using Town employees, it will keep down the cost of the data. They are working on the options for processing the data.

Bill Johnson explained the deplorable road conditions of Fort Hill Road and the lower part of Clarke Road. Fort Hill Rd. has multiple *deep* potholes. "How do we get them fixed?" With the corner on Clarke Road being so narrow, he's afraid that it's just a matter of time before an accident occurs there. These problems have been going on for a long time. Would creating a DPW assist in expediting road repairs? Every time he calls the Highway Dept., Superintendent Andryshak isn't there. "Farm equipment is expensive and we don't have the clunker program." Therefore, road *maintenance* is an important factor for his farming business. The road conditions are also dangerous to the other vehicles that use it daily.

Councilman Cappella addressed his concerns. In the last few years the price of blacktop has gone up from \$20.00 per ton to \$80.00 per ton. Working within a budget, money only goes so far. There are 80 miles of road in the Town. Now it takes \$400,000 worth of material to do what \$100,000 use to do. The Highway Dept. employees are going out there and doing more trenching than before. They do as much as they can within the budget. Changing the name from Highway Dept. to DPW will not change the amount of money available to repair roads. It is all about the money. Supervisor Bloomfield stated that we'll have to put more money in the 2010 budget for road repairs. There are many roads that need immediate attention or we will lose them.

Jerry Boss noted that the Town is powerless over the Highway Department's Superintendent. Mr. Boss would have Superintendent Andryshak present at the meetings to answer the public's questions. He has traveled on Fort Hill Road and it is in terrible condition. The cost of farm equipment is incredible. Some attention should be given to this tax rateable farming business.

Kate Schmidt, from the Joint Recreation Commission, wanted the Town Board to consider a Parks Grant offered by NYS. due on September 14, 2009. This is for acquisition at the Salesian Park. The Town could apply, with the Village, to purchase an easement over the library property for frontage access onto Craigville Rd. This will be a 50% match from NYS Parks Grant for 6 acres. The burden would lay 25% on the Town and 25% on the Village. Kate offered many ideas to make the property in the back viable to offset the cost to the taxpayer. She has heard that the sale price is in the three's. She also had many ideas for making the park active for activities such as Frisbee golf.

No one has come before the Town Board stating that the property is for sale.

Councilman Canterino was concerned with the cost of transactions and the mortgage the library has on that property. There are many issues that need to be looked into so as to *not* have the taxpayers pay for this. He asked for more information.

Supervisor Bloomfield was concerned about the additional costs of hidden liabilities at the park such as the school building etc. He is also protective of the distribution of parkland fees. Likewise, if a lot of money is put into the Salesian Park, which isn't used that much, we can't let the other parks go "dry". Since the Town has been criticized in the past for not going to the public on the purchase of Salesian Park, he would want input from the taxpayers before anything is done. He doesn't feel that the deadline will be met. This has to come to the Town Board work session with a proposal. The library has to make this public.

Attorney Caplicki noted that we have a revocable 30 day license giving us a *limited* access right to that property. As long as the property remains under governmental ownership, he doesn't see any reason why this would be revoked. If taken over by a private source, it will have the option to revoke the license in 30 days by a simple notice.

Councilman Cappella doesn't want to rush into anything, especially the way the economy is today. This may not be the right time. When the \$1.2 million purchase was looked at, it was thought to be a good deal. However, they never looked at the *whole* deal. No one looked at the monies needed to do the work required for a safe and viable park.

Kate Schmidt commented that nothing gets done between meetings. Councilman Cappella assured her that the Town has tried numerous times to meet with the Village on Park issues...only to be ignored.

Councilman Newbold stated that the Town met with the Village in 2006, outlining Park projects that needed to be addressed. He is still waiting for a response to that meeting.

Councilman Lyons informed the public that the JRC has received a grant from the County awarded in 2008 for \$15,000 (JRC has to match the \$15,000) for pavilion/bathrooms in the Salesian Park.

The Town has already given approval to the JRC for this grant. Councilman Lyons questioned the amount of available money to spend for the various projects, like a unisex bathroom including leeching fields. With \$7,500 from the Town and \$7,500 from the Village together will match the \$15,000 grant. He doubts that the \$30,000 will be enough to cover the cost of these improvements to Salesian Park. He wants to recheck the finances.

Joel Markowitz would like to see regularly scheduled joint meetings between the Town and the Village. Supervisor Bloomfield made it perfectly clear that the Town has done everything in its power to work with the Village with absolutely no cooperation from the Village. Mr. Markowitz suggested that a spokesperson from Joint-Rec. be a liaison between the Village and the Town to initiate a joint meeting.

Councilman Cappella added that about two weeks ago Joint-Rec requested some patching at Craigville Park. *Jointly*, the Village DPW and the Town Highway Dept. did the patchwork and were complemented. His point is that *"it can work"*.

Councilman Canterino foot-noted a response to Monday's Town Board work session concerning the Tour De Goshen. He met with Chief Marsh and there will be no overtime for the Town Police Dept. with no extra patrols. The Sheriff's Dept. will take the lead and handle whatever is needed. Also, The Police Chief would like to see a resolution from the Town Board addressing unauthorized parking on Minisink Trail. There is no parking on Town roads. We now have notice and this issue will be addressed in the future. Additionally, Chief Marsh will assist the Town in compiling a list of carters/haulers that will be required to seek proper licensing under Chapter 80B-19 in the Town Code.

H. EXECUTIVE SESSION:

Councilman Canterino made the motion to enter into Executive Session to discuss the following,

1. Owen's Road Litigation
2. ADC Inc. Litigation

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

I. ADJOURNMENT

The public meeting adjourned to Executive Session at 9:10pm.

Priscilla Gersbeck, Deputy Town Clerk

