

TOWN OF GOSHEN
TOWN BOARD MEETING

November 13, 2008

M I N U T E S

A regular meeting of the Town Board of the Town of Goshen was held on the 13th day of November, 2008 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 7:35pm.

B. AMENDMENT TO THE AGENDA

Frank Fornario, Jr. (Orange County Legislator) addressed the Town Board. He shared with us that the County Legislators passed the 2009 Budget with a 17-4 vote. He also mentioned that the Valley View Center for Nursing Care and Rehabilitation was not affected. However, it could be impacted next year if the budget cuts continue to escalate. There are many mandated programs that the State funds. Some of those could be impacted by cuts next year. Such programs cover mental health and related public health services etc... He stated that all of Orange County's agendas and minutes are posted on their web site. In addition, if anyone needs to contact him, his phone number is 469-8292. He informed the audience that he is trying to arrange a public tour of the Emergency Management Facility.

C. PRIVILEGE OF THE FLOOR

Jerry Boss referenced item #3 on the agenda. This is regarding the IWS application to modify its' solid waster permit. He wanted to know if all of the appropriate fees have been paid. Supervisor Bloomfield stated that the \$5,000 application fee has been paid. Attorney Caplicki reported that the Town has no record of fees being paid in the past. A request was made for IWS to pay insurance and tipping fees and to establish if they have done so in the past. We are able to proceed now that the application fee was paid. The Town has requested to be the lead agency, under SEQR review, to act on approving the application. In theory the DEC looks upon landfills, transfer stations etc. as regional necessities. It is possible that the DEC could overrule any local home rule action. However, in today's world of events, it is unlikely the DEC will overrule Goshen's lead. It's important to hold lead agency status in order to control the SEQR agenda.

Councilman Canterino inquired about the procedures that a lead agency should follow. His position is to proceed with caution so that *all* of the steps in this process are correctly followed and that the negotiations benefit the public as well as the Town.

D. OLD BUSINESS

1. Adoption of 2009 Budget

TOWN OF GOSHEN
RESOLUTION

Approval of Town of Goshen 2009 Budget

INTRODUCED BY: Councilman Louis Cappella

SECONDED BY: Councilman George Lyons

DATED: November 13, 2008

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 November, 2008;

WHEREAS, the Town Board of the Town of Goshen held a Public Hearing on November 10, 2008 with respect to the proposed/preliminary budget for the Town of Goshen for fiscal 2009, and

WHEREAS, the Town Board of the Town of Goshen received and considered input/information from the general public with respect to said proposed/preliminary Town of Goshen budget,

NOW, THEREFORE BE IT RESOLVED, that the Town of Goshen does hereby adopt the Town of Goshen 2009 budget as presented.

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

STATE OF NEW YORK)

..SS.

COUNTY OF ORANGE)

I, Valma Eisma, Town Clerk of the Town of Goshen, do hereby certify that the foregoing is a true And exact copy of a Resolution adopted by the Town Board of the Town of Goshen at a meeting of said Board held on 13th day of November, 2008.

VALMA EISMA

Following the adoption of the 2009 Budget, Supervisor Bloomfield reiterated one of the principles followed in the budget: "Be prepared to reduce costs if projected revenues are not realized going forward" - meaning that in this economic crunch, if we don't get the projected revenues, we are still obliged to provide quality services and will review the budget.

2. IMA with City of Port Jervis for Use of Firing Range

Councilman Canterino reported on his meeting with Sergeant Faust and Police Chief Marsh. In summary, there are a limited number of ranges in Orange County where certification can be done. One is in New Windsor with 15 other police agencies using it and another in Goshen that has been flagged by the DEC for lead contamination. Port Jervis agreed to let our Police Dept. use their pistol range for free and was the best selection to pick from. However they require an Inter-Municipal agreement for insurance coverage etc. There are four Officers instead of eight who need this certification that had a scheduling conflict with the availability of the range. Due to limited training slots and shift coverage within the Police Dept., plus the availability of range certified officers, the scheduling permits two on Saturday and two on Monday. In fact the certification class is only for four hours and is covered in the Police training budget. Councilman Canterino was satisfied that the Police Dept. has thoroughly researched their options in their decision making process.

Councilman Canterino made the motion to authorize Supervisor Bloomfield to sign the Inter-Municipal agreement with the City of Port Jervis for the use of their pistol firing range. Motion seconded by Councilman Lyons.

Discussion: Councilman Newbold asked if the night range was open. Response: Yes, but a fee is required and it doesn't fit the criteria for this type of certification. He also asked why the Town has to pay for this. Response: This is not optional; it is a *mandated* requirement for the job and the usage of certain firearms.

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

3. Notice of Designation as Lead Agency With Regard to IWS Application to Modify Solid Waste Permit.

Attorney Caplicki reported that the Town of Goshen has received an application from IWS Inc. to modify their solid waste management facility permit. Accordingly, an identical application was filed with NYS DEC in compliance with SEQR statues. This is actually a designation whereby any number of interested parties listed on the attached correspondence will be notified of the application and the Towns' intent to serve as the lead agency on the application. Councilman Lyons made the motion to authorize Supervisor Bloomfield to sign this letter and send it to the attached list of interested parties. Councilman Newbold seconded the motion.

Discussion: Councilman Lyons stated he was disgusted in the way IWS has dealt with the Town in the past. It is about time that the Town takes a lead in processing applications and fees. Likewise, Councilman Cappella feels that with all of the time spent in making this a professional decision the Town hasn't received the same professional courtesy back. In addition, Councilman Newbold feels that there are a lot of unresolved issues with this company and praised the Town for wanting to take the roll as lead agency. He is dissatisfied with IWS past of broken agreements and they need to come into compliance with the rules and regulations.

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

4. Crystal Run Village Proposal for an Additional Group Home

Supervisor Bloomfield stated that Mr. James Lawler appeared before the Town Board on Monday night to present the location for a group home of five residents. Mr. Lawler represents Crystal Run Village, Inc., which provides community based residential and habilitative services for people with developmental disabilities. He proposes to locate one at 3 Lisa Lane. Supervisor Bloomfield gave a brief description of the home structure and location. The Town has forty days to respond to Mr. Lawler's letter. He called for comments from the Board members.

Councilman Lyons commented that he visited the location. He feels that the site is not appropriate. It's a dirt lane about 11 feet wide. It could possibly interfere with ingress and egress of emergency vehicles. He hasn't seen Mr. Lawler's letter and can't comment as to its contents. He is concerned about the questionable principle of notifying neighbors and the burden Mr. Lawler has placed on the Town. Supervisor Bloomfield suggested that the Building & Zoning Department could comment as to other possible locations for this group home. Councilman Canterino stated that regardless of the forty day time frame to either act on the proposal or to suggest an alternate site, the neighbors should be notified. Anytime there is a zoning change or a change before the Planning Board/Zoning Board notification goes out to contiguous properties for public comment. Despite the arrogance of Mr. Lawler, there are safety issues that need to be looked at when choosing a suitable site.

E. NEW BUSINESS: None

F. FINANCE

Councilman Canterino made a motion to authorize the Supervisor to pay check run dated November 13, 2008 amounting to \$321,068.09. Councilman Newbold seconded the motion.

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

G. PRIVILEGE OF THE FLOOR

Doris Bialas introduced two international visitors in the audience. They are musicians from Ireland who are staying in Goshen until December 9, 2008. They play traditional Irish music and will be entertaining in Town at Maureen Mullany's Pub.

Jerry Boss had a few suggestions for the Town Council to consider. To identify what position in IWS that Frank E. Celli Jr. actually holds and not the position they tell us. IWS is a subsidiary company of AIG. Which is a whole different operation with a questionable background. He would like to request the names of every principal involved in IWS and start a vetting process of those principals.

H. EXECUTIVE SESSION

1. Lubavitch Out Reach Center Tax Certiorari
2. Hambletonian Group, LLC – Potential Litigation
3. Union Negotiations

Councilman Lyons made a motion to enter into Executive Session to discuss the foregoing, with the intent not to return to the public meeting. Councilman Newbold seconded the motion.

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

I. ADJOURNMENT

The public meeting concluded at 8:40pm

Priscilla Gersbeck, Deputy Town Clerk