

**TOWN OF GOSHEN**  
**TOWN BOARD MEETING**  
**January 27, 2011**

**MINUTES**

A Regular Meeting of the Town Board of the Town of Goshen was held on the 27<sup>th</sup> of January, 2011 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
	Louis Cappella	Councilman
	Kenneth Newbold	Councilman
	Philip Canterino	Councilman

Absent: Councilman George Lyons

Also Present:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

**A. CALL TO ORDER:** Supervisor Bloomfield called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

**B. AMMENDMENT TO THE AGENDA:** None

**C. PRIVILEGE OF THE FLOOR** (agenda items only): No response

**D. REPORTS:**

**COUNCILMAN CAPPELLA** explained that every year in January or February he likes to give a report on Dial - A- Bus, and he gave the Board the following figures. Total passengers this past year between Goshen and Chester was 14,660. He said of that total 68% of them were seniors, 13% were handicapped and 19% were full fare, which is a dollar. He said the total mileage amounted to 76,000, almost 77,000 miles. Councilman Cappella said in 2004 we did about 10,000 passengers and 46,000 miles. He said it is a great service to the community, particularly to the seniors. He said more and more people are taking advantage of it, some even using it to go to and from work.

Councilman Cappella reported Highway has been very busy with the snow, and having a hard time deciding where to put it. He said also this weather is doing a lot of damage to the roads, which will require a large amount of patching next year. He reported also that Broderick Knoell, the new Highway Superintendent is settling into his new position, and is doing a good job.

Councilman Cappella reported the Senior Center meeting for last week had to be canceled, but all is running smoothly.

**COUNCILMAN KENNETH NEWBOLD** stated he really didn't have anything to report, as everything in the Water/Sewer Districts are working fine. He said his concern is with the possible I & I that may occur as a result of all of this snow melting.

**COUNCILMAN PHILIP CANTERINO** said he had a press release for the newspaper reporters, and he proceeded to read it for the Board and the public. The press release follows:

PRESS RELEASE: 6 Laura Lane Fire

On January 25, 2011 at approximately 11:39 a.m. 911 Communications received a report of a dryer fire at 6 Laura Lane, in the Town of Goshen. Town Police Officers Michael Imperio and Sergeant Matthew Imperio responded to the residence and found the laundry room filled with heavy smoke and flames. Both officers utilized department fire extinguishers and an available water source and managed to put the fire out. Due to the intense volume of smoke, both officers suffered smoke inhalation Officer Michael Imperio suffered second degree burns to his right hand caused when he moved the dryer away from the wall to get at the flames. Responding Fire Company Units from Goshen and Florida provided backup and follow-up to prevent any further flare up. The Goshen Police Officers were treated at the scene by regional EMS and were transported to Orange Regional Medical Center Arden Hill Campus for further medical treatment, both were released. The homeowner, Cheryl Fitzpatrick was the sole occupant of the residence at the time of the fire. She was shaken, but unhurt. Goshen Fire chief Elmer Budd stated to Police Chief Dennis Marsh, that had it not been for the quick response and decisive actions of the Town of Goshen Police Officers the residence may have sustained thousand of dollars in further damage, if not totally lost.

Press release prepared and submitted by Chief Dennis Marsh

Councilman Canterino stated he would like to commend the officers for their quick response and actions. Councilman Newbold stated that Officer Michael Imperio is a part time officer with our department, and member of the New York City Fire Department. Councilman Canterino replied yes, and that they are both volunteer fireman with our Goshen Departments.

**SUPERVISOR DOUGLAS BLOOMFIELD** reported that the Town of Goshen hosted the Orange County Association of Towns, Cites and Villages monthly meeting for January. He said it was a good meeting. He said they talked about cost reduction, energy, and the County Commissioner of Services talked on many of the County's concerns. He said it gave everyone food for thought for what to do going forward.

Supervisor Bloomfield reported he will be meeting with Assembly Person Anne Rabbit to share some of his ideas of what he feels the State Legislation needs to be working on. He said he really wants to talk with her about Workmen's Compensation. He said the Town had a good record this last year, and the State still charged us 18% more just for their overhead. He said this has to be fixed, "it is really criminal". He said another thing is the MTA tax, which Ms. Rabbit is already addressing. The Supervisor stated there were a few other items he would like Assemblyperson Rabbit to address that are the kind of things that chase businesses out of the State of New York.

## **E. OLD BUSINESS:**

**1. Discuss and Approve Resolution to Terminate a Cable Franchise With Hometown Online, Inc. Effective June 30, 2011 per Their Request:** Supervisor Bloomfield asked Attorney Caplicki to address this Resolution. Attorney Caplicki explained that Hometown Online, Inc. is a subsidiary of Warwick Valley Telephone, that was previously granted a franchise, after a Public Hearing back in 2007, for a certain portion of the Town of Goshen. He said they have now submitted a request that they be allowed to discontinue or surrender the franchise. He said at this time they only serve seven customers. He stated the Town Board has asked for the names and addresses of the seven customers, and they will be notified of the termination of the franchise,

and they do have alternate services. Hometown Online, Inc. has assured the Board they will assist these customers in making the changes to another service.

**TOWN OF GOSHEN  
RESOLUTION**

**Termination of Hometown Online, Inc. Authority to  
Provide Cable Services on June 30, 2011**

**INTRODUCED BY:** Councilman Philip Canterino  
**SECONDED BY:** Councilman Kenneth Newbold  
**DATED:** January 27, 2011

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 27<sup>th</sup> day of January, 2011;

**WHEREAS**, Hometown Online, Inc. ("Hometown"), a subsidiary of Warwick Valley Telephone Company, has submitted a request to the Town of Goshen to consent to terminate its cable franchise to serve portions of the Town of Goshen; and

**WHEREAS**, a Public Hearing was held with respect to said application for the Town Board of the Town of Goshen on December 10, 2007: and

**WHEREAS**, on January 10, 2008 the Town Board of the Town of Goshen passed a resolution granting Hometown a franchise to serve portions of the Town of Goshen pursuant to a franchise agreement that was annexed thereto; and

**WHEREAS**, said annexed franchise agreement was entered into by Hometown and the Town of Goshen and dated January 31, 2008; and

**WHEREAS**, the Town of Goshen has the requisite authority to terminate such franchise; and

**WHEREAS**, THE Town of Goshen has considered the request of Hometown in this matter and the interests of the residents of the Town of Goshen.

**NOW, THEREFORE BE IT RESOLVED**, that the Town of Goshen consents to the termination of the Franchise and Franchise Agreement above effective June 30, 2011 contingent upon Hometown providing notice of said termination and by providing information on other TV providers to its customers, with a copy to the Town Clerk, no later than 30 days from the date of this resolution; which notice shall be deemed complete upon sending such notice via first class mail to each customer's billing address.

Upon roll Call Vote:

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

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

**2. Revised Orange County Sales Tax:** Supervisor Bloomfield said at Monday's Work Session he reported to the Board the Sales Tax received by the Town this year for the fourth quarter, which is the first payment the Town would receive this year. He said he reported \$213,413.00, which was under what the Board had projected in this year's budget. However, he said he received a communication from the County today, that there is another check being sent that will be for \$52,974.00. He explained that the County Legislature had approved the \$213,413.00, so the check could only be written for that even though the actual amount collected was higher, therefore we will be receiving the second check. Councilman Canterino said that should be close to what we received for that quarter last year, and puts it very near what the Board had budgeted. Supervisor Bloomfield replied it might even be over what was budgeted.

**3. Approval of Minutes:** Councilman Newbold made a Motion to approve the minutes of Regular Meeting of December 9, 2010 and Special Meeting of December 16, 2010. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0. Councilman Cappella made a Motion to accept the Re-Organization Meeting of January 3, 2011. The Motion was seconded by Councilman Newbold. The Motion was carried by a vote of 3 to 0, with Councilman Canterino abstaining, as he was absent.

#### **F. NEW BUSINESS:**

**1. Request by Goshen Rotary Club to Conduct 2011 Great American Weekend 5 K and 10K Races:** Supervisor Bloomfield stated he had received a letter from the Goshen Rotary Club to hold their annual Great American 5K and 10K races on July 2, 2011. The insurance for the Town will be provided, and the route will be the same as in previous years. Councilman Canterino made a Motion to approve the Request to conduct the Great American Weekend 5k and 10k races on July 2, 2011. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

**2. Deputy Town Clerk, Priscilla Gersbeck Request for Training in Microsoft Excel:** Supervisor Bloomfield said he received a request for training from Deputy Town Clerk, Priscilla Gersbeck in Microsoft Excel. Councilman Newbold made a Motion to approve the request for Priscilla Gersbeck, Deputy Town Clerk to attend the Fred Pryor Seminar to be held at the Holiday Inn in Middletown on March 29, 2011, from 8:30 a.m. to 4:00 p.m., at the cost of \$79.00. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

**G. FINANCE:** Councilman Canterino made a Motion to authorize the Supervisor to pay Accounts Payable Check Run for 1/27/2011 amounting to \$547,394.74. The Motion was seconded by Councilman Cappella. Motion carried by a vote of 4 to 0.

#### **H. PRIVILEGE OF THE FLOOR:**

Patrick Daughton, 352 Reservoir Road, Goshen said he is one of the residents the Hometown Online, Inc. termination will affect. He said he has been trying to obtain the triple play service from Time Warner and has been told by them that Warwick Valley Telephone will not allow them to give him all three. He said the telephone part of the triple play is what Warwick Valley Telephone will not give up so that Time Warner can provide it. The Supervisor Bloomfield and Attorney Caplicki could not understand why, and the Supervisor asked Mr. Daughton to leave his name and address with the Town Clerk, and they would contact Time Warner to find out why this is happening.

Jerry Boss asked with all the pending tax certioraris, where are we with the Al Turi tax certiorari? Attorney Caplicki said he could not give the exact date, but in the last ten days the Notice of Entry of Judge Ritter's decision was served upon us. He said this starts the time in which (a thirty day period)

the Town has the right and opportunity to file what is called a Notice of Appeal, so at the present time the attorneys are reviewing the decision, and advising the Board. He said prior to the end of that thirty day period it will be determined if a Notice of Appeal will be filed, which will take it to the Appellate Division or not, and the case would become final.

Mr. Boss asked about the Meinwald certiorari, and asked if it was back in White Plains? Attorney Caplicki replied no, that they are all back here, and he believes the Meinwald certiorari is in front of Judge Bartlett. Mr. Boss said he feels that Judge Bartlett should not be hearing these cases. He said she was the former County Attorney, and he said he has asked if there is any case law pertaining to the fact that she pays taxes to the village, town, fire and school district of Goshen. He said it is his opinion that she has a vested interest in the outcome of this case.

Attorney Caplicki stated that we are in the 9<sup>th</sup> Judicial District, and he appears at least once a week in front of her in regard to these certioraris, and on every case Judge Bartlett makes full disclosure of her residency, and gives them all the opportunity to request that she recuse herself. The 9<sup>th</sup> Judicial District has advised her that she has no legal obligation to do so.

Mr. Boss discussed various aspects of other tax certs with Attorney Caplicki for a short period of time.

Joel Markowitz asked if the Meinwald suits were decided in the applicant's favor, would they be carried on to the new owners of the various properties? Attorney Caplicki said they would carry to the new owner.

He asked about the arbitration process with the Village. Supervisor Bloomfield said it is on the agenda to be discussed with the Town Attorney. Attorney Caplicki said the status is that tomorrow at 3:30 p.m., he and the Village Attorney will be meeting with the arbitrator for the first time to discuss preliminary procedures and information concerning the arbitration.

Mr. Markowitz said he wanted to inform the Board that the Goshen Library was considering the Healey property as a possible site. He said this would mean the removal of a prime piece of commercial property in the village, taking it off of the tax rolls. He asked, as he said he has asked the Village, that the Board express to the library that this would be a great disservice to the community.

With no further comment Councilman Newbold made a Motion to adjourn the meeting, with intent not to return, to go into Executive Session to discuss:

1. Comptroller Communication Regarding Formation or Extension of a Water or Sewer District
2. Village/Town Arbitration Status Update
3. Heritage Estates Sewer-Status Update
4. Personnel Case Arbitration Request – Status Update
5. Town of Goshen Code Enforcement Case Review
6. Al Turi Litigation – Status Update
7. Rettberg Litigation - Status Update
8. Tax Certiorari Review.

The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

Time: 8:15 p.m.

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Valma Eisma, Town Clerk

