

**TOWN OF GOSHEN
TOWN BOARD MEETING
February 24, 2011**

MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 24th day of February, 2011 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
	Louis Cappella	Councilman
	George Lyons	Councilman
	Philip Canterino	Councilman
Also Present:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

A. CALL TO ORDER: Supervisor Bloomfield opened the meeting at 7:30 p.m., and led the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA: Supervisor Bloomfield said he had an amendment to the agenda. He said he would like to remove, under New Business, items 1 thru 7 since the Board is still trying to finalize them.

Supervisor Bloomfield asked if there were any more amendments. Councilman Newbold replied no, but he would like to welcome Councilman Lyons back, happy to see he was feeling better, and said he was looking forward to working with him again. The Board agreed, and Councilman Lyons stated he was glad to be back.

C. PRIVILEGE OF THE FLOOR (agenda items only): A question was asked about what the Budget Officer was looking for authorization to pay to the Village, and if it was in reference to the bill that is currently going to arbitration? The Supervisor replied no that is not what the payment is for since this matter is in arbitration.

D. REPORTS:

COUNCILMAN LOUIS CAPPELLA reported the following: The Senior Center will be holding it's St. Patrick's Lunch on Tuesday, March 15th, at 12:30 p.m. The Senior Club will be celebrating it's 40th anniversary this June. He said on June 8th, at 12:30 – to 4:00 p.m. they will be having an affair at the Otterkill Country Club.

Councilman Cappella also reported everything is going well with the Highway Department, and the new Highway Superintendent Broderick Knoell, and his secretary Michele, are sending letters out asking for participants in the Adopt A Road volunteers. He said Highway has been

participating in this program for ten years, and any person or organization can opt to participate to keep the sides of the roads in the Town clean. Highway will provide large orange garbage bags, etc. There are six people, or organizations, that are still involved since the first year that it was done. He said he would like to express his thanks to those people or organizations. If anyone is interested in adopting a highway, they can call Michele at 294-6033.

COUNCILMAN KENNETH NEWBOLD reported the Water/Sewer Department is quiet at this time. He said he would like to thank Supervisor Bloomfield for keeping track of the I & I in Hambletonian Park and Aracadia Hills, and crunching the numbers trying to save money wherever they can. He said it has been a pleasure working with him.

COUNCILMAN GEORGE LYONS reported the following Joint Recreation Commission programs: The zumba classes have been a great success, and there is currently a program running now, eight sessions held on Tuesday nights, from 6:00 p.m. to 7:00 p.m. at the C.J. Hooker building. The cost to Goshen residents is \$35.00 and non residents is \$40.00.

Registration is now open for the Drama Kids Program held on Tuesday nights, from March 1st to thru May 24th. at the Goshen Senior Center. The registrations for these programs can be completed on line at www.goshenrecreation.org.

JRC hosted the movie program again for this winter, one movie in January, one in February, and the last one will be held on the fourth of March, it will be held at the Senior Center at 7:00 p.m. Movie goers are urged to dress in their favorite Star War attire, as this will be the movie (Star Wars) shown that evening. Admission and popcorn are free.

The tentative date for the Spring Egg Hunt is April 16th, rain date Sunday, April 17th, and will be held at Craigville Park.

The JRC is currently in the process of securing space from the Goshen Central School District for the Recreational Summer Day Camp.

The Restroom project at Salesian continues to move forward, with anticipation of meeting the current completion date of June 1, 2011.

Goshen Soccer Club will hold a Soccer Camp for travel players at Craigville Park on April 18th, field conditions permitting.

Goshen Little League is looking forward to the opening season opening at Craigville Park on Monday, April 25, 2011.

COUNCILMAN PHILIP CANTERINO stated he had little to report from the Police Department, as things have been fairly quiet. However, he said you always hear of the bad

things, but seldom hear of the good things. He said he was given a letter that was sent to Chief Marsh from Annmarie Murphy, referring to a problem with her car, the exhaust system fell off. Officer Michael Imperio stopped to ask if she needed help. He offered to call the tow truck company, as it was very cold, and offered to get her some coffee. She said she wanted to truly commend this officer for going above and beyond his call of duty, and hoped there was some way he could be "recognized for his care, concern and dedication to his profession."

He also reported that he was asked about an officer from the department who was injured in a recent clothes dryer fire incident, if there was any compensation paid to this officer; there was no compensation paid.

Councilman Canterino said there was a personnel issue, but that will be discussed in Executive Session.

SUPERVISOR DOUGLAS BLOOMFIELD said he would like to extend his sympathies to Doris and Robert Weinberger on the death of their son.

Supervisor Bloomfield also reported the following: We have been working diligently on cost reduction activities these last few weeks. The Budget Officer came before the Board at the Work Session on Monday and talked about the things we are doing. Supervisor Bloomfield said it is imperative that we do a whole lot more about this now, early in the year.

Supervisor Bloomfield also reported he has spent a lot of time, with Councilman Canterino, on tax certioraris, along with Attorney Caplicki. A lot of them are listed tonight on the agenda, they are not finalized, so they will keep working on them until we do get them finalized. Supervisor Bloomfield stated a tax certiorari is a hidden liability, and can go on for years, and some do.

Supervisor Bloomfield said tomorrow we are going to get follow up inspections by the Department of Labor. He said the Board has been doing a lot of work on our security and safety systems, so the Department of Labor is coming to do a follow up audit to see if we have done everything we were supposed to.

Supervisor Bloomfield said there has been a lot of talk about the lack of communication between the Village and Town. He said he received a request from the Village Commissioner of Sewer, he needed some information, which we provided, regarding our I & I. The Town has done two studies on these over the years, and hopefully they will help him. He said he was happy to do so and will continue to do the same in the future.

E. OLD BUSINESS:

1. Authorize the Budget Officer to Make 2010 Year-End Transfers Reviewed at Work Session: Supervisor Bloomfield explained that the Budget Officer was at the Monday Work Session, and reviewed and explained the transfers to the Board.

**TOWN OF GOSHEN
RESOLUTION
2010 BUDGET TRANSFERS**

INTRODUCED BY: Councilman Louis Cappella
SECONDED BY: Councilman Kenneth Newbold
DATED: February 24, 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 24th day of February, 2011;

WHEREAS, the Budget Officer of the Town of Goshen has requested approval to make year-end budget transfer of funds from their contingency account budgets, from accounts with excess budget dollars available for transfer, and from fund balance accounts where necessary; and

WHEREAS, annexed hereto is a list of accounts for year-end closing purposes, also from monies budgeted originally to cover cost overruns, and price increases during the year.

NOW, THEREFORE BE IT RESOLVED, that William Standish, Budget Officer for the Town of Goshen, is hereby authorized to make the transfers in connection with the list of accounts as annexed hereto.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 5 to 0

For a complete list of transfers, see file in Town Clerk's Office.

2. Authorize the Budget Officer to Pay the Village of Goshen \$112,834 and \$142,666 Respectively for the 2010 Sewer Charges for Hambletonian Park and Arcadia Hills Subdivisions: Supervisor Bloomfield stated these figures are consistent with what we did in 2008 and 2009, except these figures include the legal charges that were added to the bill in 2010.

The Motion was made by Councilman Newbold and seconded, for discussion by Councilman Canterino. Councilman Canterino asked what the legal charges amounted to. Attorney Caplicki said he had requested copies of all the Pleadings, and the Stipulation of Settlement which were entered into between the Village and their Contractor, and as reported in the press, "don't quote me on the figures" the Village agreed to pay a \$50,000 settlement. However, they had expended to date, \$234,000 in legal fees, and still mounting. Supervisor Bloomfield said that in 2010 only \$150,000 was allocated.

Attorney Caplicki said this may or may not be part of our ongoing arbitration with the Village, as he could not determine at this moment whether any of those legal fees or the basis of the suit are attributable to the those areas that we find objectionable. He said thus the only fair way to do it is, as Supervisor Bloomfield indicated, by using the same formula, and we will reserve the right to address that as an offset, or a future claim, etc.

Councilman Canterino said the one thing he wanted to highlight is that it is not a legal fee having anything to do with the Town's litigation with the Village. He said it had nothing to do with the Town, we had no decision making process, we had no leverage, we could not say yes or no. He said they incurred these legal fees, and now have passed the bill on to us, and it was the legal fees between them and the contractor.

**TOWN OF GOSHEN
RESOLUTION**

Authorizing the Budget Officer for the Town of Goshen to Pay the Annual Sewer Billings Submitted to the Town of Goshen in Connection with the Sewer Service Provided the Arcadia Hills and Hambletonian Park Sewer Districts

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman Phillip Canterino

DATED: February 24, 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 24th day of February, 2011;

WHEREAS, the Town of Goshen contracts with the Village of Goshen for sewer service with respect to the Hambletonian Park Sewer District and the Arcadia Hills Sewer District; said billings rendered on an annual basis to the Town of Goshen for sewage processed; and

WHEREAS, the Town of Goshen wishes to pay same in the following amounts:

\$142,666 Arcadia Hills Sewer District
\$112,834 Hambletonian Park

NOW, THEREFORE BE IT RESOLVED, that the Budget Officer for the Town of Goshen is authorized to pay to the Village of Goshen with respect to the aforementioned bills the following amounts:

\$142,666 with respect to Acadia Hills Sewer District
\$112,834 with respect to Hambletonian Park Sewer District.

Upon roll Call Vote:

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

Vote: Resolution Carried by a Vote of 5 to 0.

F. NEW BUSINESS:

1. Accept the Resignation of Police Officer Eric Hardin, Effective February 27, 2011: Councilman Canterino made a Motion to accept the resignation of Police Officer Eric Hardin, effective February 27, 2011. The Motion was seconded by Councilman Lyons. The Board expressed regret at losing the officer and will thank him for his years of service. Motion carried unanimously.

Numbers 2 through 7 on the agenda items were eliminated with an amendment to the agenda.

8. Authorize the Police Chief to Purchase a 2011 Ford Crown Victoria, per NY State Bid, at a Cost Not to Exceed \$24,718.00: Councilman Canterino explained that the Crown Victoria is on State Bid and the purchase has to be completed by March 1st, as that is when the bid process closes. He said the reason they chose the Crown Victoria is that a lot of equipment can be taken off the current Crown Victoria that is being traded in which makes the decision to purchase a Crown Victoria a better economical choice. He said in the future the Chief will be thinking about changing over the fleet to 6 cylinder vehicles as long as they are on state bid.

Councilman Canterino made a Motion to authorize the Police Chief to purchase a 2011 Ford Crown Victoria, per NY State Bid, at a cost not to exceed \$24,718. The Motion was seconded by Councilman Lyons. Councilman Cappella said he would be voting for this vehicle purchase tonight, but he would definitely feels that a six cylinder vehicle gets better gas mileage than an eight cylinder. He said he is reluctantly saying yes as this car is \$6,000 less than other Crown Victorias, but in the future, he feels the six cylinder is the most economical, and this is the time to start changing over. Councilman Newbold agreed, along with the rest of the Board.

There was a brief discussion pertaining to purchasing cars from the State Police in the future, as Governor Cuomo would like to take some of the State Police cars off the road, and municipalities may be able to purchase them.

Councilman Lyons said this car will be replacing a vehicle that has two hundred fifty thousand miles on it, so "we certainly got good use out of that 2004 Crown Victoria". Supervisor Bloomfield said there is money in the budget to purchase this car, so no need to borrow, as \$35,000 was budgeted, and this purchase will be \$24,718.

Supervisor Bloomfield called the vote, Motion carried 5 to 0.

9. SET A PUBLIC HEARING REGARDING LOCAL LAW #1 OF YEAR 2011, PERTAINING TO USE OF THE "CASH BOND" AS SECURITY BY SUBDIVISION

APPLICANTS: Attorney Caplicki said, as was discussed at Monday's Work Session, our Code now requires a Performance guarantee in respect to subdivisions, that requires a Performance Bond to be posted by the applicant sub-divider, that at the present, allows them to post it in the form of certified funds in an interest bearing account, or an Irrevocable Letter of Credit. He said the Board has some concerns due to the economy, and the validity of the Letters of Credit, that it might put the Town in a precarious position in regard to the validity of the Letters of Credit as far as collecting on them is concerned.

He explained that Local Law #1 of 2011 changes that, both in the performance guarantee and the maintenance guarantee. These will now have to be certified funds, as opposed to a Letter of Credit. He said the Public Hearing has been set for the March 21st meeting at 7:30 p.m., or as soon thereafter. Councilman Newbold made a Motion to authorize the Public Hearing for the consideration of Local Law #1 of 2011 for March 21, 2011 at 7:30 p.m. The Motion was seconded by Councilman Canterino.

In discussion, Councilman Canterino stated that in the past there were no Letters of Credit, only cash bonds. He stated that the Letters of Credit can at times be very risky, if the bank fails or if there is litigation, or if there is a Right of Offset, the bank might not have to pay, and we might have to pay or do the things that are left to be done with taxpayer money. If we have a cash bond the money is there to pay for these costs.

Supervisor Bloomfield called for a Roll Call Vote:

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

Vote: Resolution carried by a Vote: 5 to 0.

10. AUTHORIZE THE SUPERVISOR TO SIGN THE WORKERS COMPENSATION RUNOFF MANAGEMENT AGREEMENT WITH WRIGHT RISK MANAGEMENT:

Supervisor Bloomfield explained Wright Risk Management handles all the Town’s Tail Claims, and have been doing a good job. Councilman Canterino made the Motion to authorize the Supervisor to sign the Workers Compensation Runoff Management Agreement with Wright Risk Management.

**TOWN OF GOSHEN
RESOLUTION**

INTRODUCED BY: Councilman Philip Canterino

SECONDED BY: Councilman Kenneth Newbold

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 24th day of February, 2011;

WHEREAS, Wright Risk Management Company performs workers’ compensation claims runoff management services for the Town of Goshen pursuant to written contract; and

WHEREAS, annexed hereto is the pertinent agreement for Wright Risk Management Company to perform workers compensation claims runoff management services for the Town of Goshen for the period January 1, 2011 through December 31, 2011; and

WHEREAS, under this agreement Wright Risk Management Company performs workers compensation claims runoff services for the Town of Goshen for claims that arose prior to the time when the Town of Goshen joined the New York State Municipal Worker’s Compensation Alliance; and

WHEREAS, it is in the best interests of the Town of Goshen to retain and contract with Wright Risk Management for the aforementioned services for the period January 1, 2011 to December 31, 2011.

NOW, THEREFORE BE IT RESOLVED , that the Town of Goshen does hereby approve the signing of the annexed contract with Wright Risk Management Company to perform workers’ compensation claims runoff management services for the Town of Goshen during the period January 1, 2011 to December 31, 2011 and the Supervisor of the Town of Goshen is authorized on behalf of the Town to execute said agreement and any other materials necessary to effectuate the purpose (s) of this resolution.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 5 to 0.

G. FINANCE: AUTHORIZE THE SUPERVISOR TO PAY A/P CHECK RUN FOR 2/24/2011 AMOUNTING TO \$370,562.36. Councilman Newbold made the Motion to authorize the Supervisor to pay A/P Check Run for 2/24/2011 amounting to \$370,562.36. The Motion was seconded by Councilman Canterino. Motion carried 5 to 0.

PRIVILEGE OF THE FLOOR:

Jerry Boss asked if Officer Hardin had been sponsored by the Town of Goshen? Supervisor Bloomfield answered he thought he was certified when he came. Mr. Boss referred to the Town of Wallkill which has a rule that if they sponsor an officer and he leaves within a year, he has to pay back the cost. Supervisor Bloomfield said he has been with the force for about two years, and the Town of Goshen has that understanding too, of paying back.

Neal Hickcock suggested the Town look into doing business with Hudson Valley Credit Union, which is now doing business with municipalities. There was a brief discussion, but no one was using the microphones, and the conversation was inaudible. However, Councilman Canterino said he would look into it.

There were other questions, all inaudible due to the non use of the microphones. At one point Attorney Caplicki made the following statement referring to the arbitration between the Village and the Town in regard to the water/sewer situation: "Presently the arbitrator has determined that, based on the availability of the projected witnesses the case is going to go in to be defended." He said "we are going to be operating out of a facility area in the County Building, made available to us by the County Executive." "There will be limited space and at the present time, it's his intention that a public ruling will be issued, that there will be no public attendance, it will be a closed arbitration, and we are working out the details at the present time."

There was a brief discussion in reference to Attorney John Cameron who will be the sole Arbitrator. He is highly qualified, and seems to be approved by all. Attorney Caplicki said that all feel fortunate to have someone of Mr. Cameron's qualifications, reputation.

Joel Markowitz asked a question referring to Heritage Estates and crossing Town property, entire question inaudible. Supervisor's answer: "We are well along in the process, we have to finish the process on the 7th of March.

There was also a brief discussion on the possible connection of Heritage Estates into the Hambletonian Park Water/Sewer District, and there will be a Public Hearing on March 10, 2011.

ADJOURNMENT:

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

1. The status of personal case arbitration
2. Ken Sullivan Litigation
3. Tax Certs Status

4. Police Personnel
5. Status of Village/Town Sewer Litigation.

The Motion was seconded by Councilman Canterino. Motion carried unanimously.

TIME; 8:25 p.m.

Valma Eisma, Town Clerk