

TOWN OF GOSHEN  
**TOWN BOARD MEETING**  
MARCH 25, 2010  
MINUTES

A Regular Meeting of the Town Board of the Town of Goshen was held on the 25<sup>th</sup> day March 2010 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
	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. with the Pledge of Allegiance.

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

**C. PRIVILEGE OF THE FLOOR (agenda items only)**

**D. REPORTS:**

**COUNCILMAN CAPPELLA** reported that Highway will be starting the annual Spring Pickup on Monday, April 26<sup>th</sup>, and will continue till finished, on average about two weeks. He said it will be published in the Independent Republican, the Times Herald Record and the Chronicle. He reported Highway has gathered data, and submitted the results of the damage done in the Town for the last severe Winter Storm and the rain storm that caused so much flooding to the Orange County Preliminary Disaster Assessment Data Collection. They submitted \$64,626.00 for flooding, as a number of culverts were damaged, and will need to be replaced. They submitted \$104,142.00 for the Winter Storm damage.

Councilman Cappella said he would like to congratulate Michele Radakovits, Highway's secretary to the Superintendent of Highways, who also schedules and occasionally drives for Dial-A-Bus. She has just been recertified by the New York State DOT in what they call the BAIT FISH Program. He said he would like to thank her for going to White Plains and Brooklyn to complete the course. He said the course is required for Dial-A-Bus. Councilman Cappella said "I am glad to have Michele in our organization, she is a tremendous asset to the department."

Councilman Cappella reported that he and Ellen Teatum are putting in for \$26,000.00- \$27,000.00 of Stimulus Money for the Senior Center. He said they received a letter from Senator Rubin Diaz, who heads this committee. Senator Diaz is trying to upgrade and correct a lot of the problems that a lot of the Senior Centers are having. He said they just have to modify the application, which is already in the computer in Albany. Councilman Cappella thanked Ellen for her work on the application.

**COUNCILMAN NEWBOLD** reported that on March 12<sup>th</sup> the Arcadia Hills Water District pump 52, which is the main pump that supplies water to the District went down. He said he went out there with Mark Warren and Sean from Riddick Associates, and they managed to get a backup well, that had not been

used for quite some time, up and running. Councilman Cappella brought Highway in, and the repairs were all done in house. He said by doing the job in house they managed to save the district a lot of money.

Councilman Newbold said he would like to congratulate John Melville, a local resident who was just appointed Superintendent for all of the State Police in New York State.

Councilman Newbold also reported he and the Supervisor went to see Representative John Hall on Tuesday. At the end of the meeting, Representative Hall's spokesman said he speaks to Supervisors from all around Orange, Ulster, Putnam. Counties, but this Supervisor and Town Board "have their finger right on the pulse" and he praised Supervisor Bloomfield for his conservative efforts and his fiscal responsibilities. Councilman Newbold said it impressed him, and he congratulated the Supervisor.

Supervisor Bloomfield thanked Councilman Newbold for all the work he did on the water main break in Arcadia Hills.

**COUNCILMAN LYONS** reported Joint Recreation has had a series of movie nights for the younger children that were held at the Senior Center. Two were already held and the third will be held on March 26<sup>th</sup>. and the movie will be The Fantastic Mr. Fox. The popcorn is donated by The Lowes at the Crystal Run Movie theater and the Girl's Scouts groups help to supervise and pass out the popcorn, etc. He said it is funded by the Orange County Youth Bureau.

Councilman Lyons said the Easter Egg Hunt is scheduled for April 3<sup>rd</sup>, at 11:00 a.m. at Craigville Park. This is also funded by the Orange County Youth Bureau. He said the park staff is busy preparing the fields for the spring Little League, and the other activities.

Councilman Lyons reported the Salesian rest rooms project is in the beginning stages, and the Girl Scouts are going to do a Spring Cleanup at the Goshen Parks and that will be held on Saturday, April 24<sup>th</sup>. The JRC Meeting is busy with registrations for the Summer Camp, and the sport programs. He said Camp Director and Camp Council applications are currently being accepted.

**COUNCILMAN PHILIP CANTERINO** reported there was some confusion about the new police car, and he explained that it will indeed be a Crown Victoria, a Ford. He said he believed the contract had been received and returned. He said he was not sure of how the award from Senator Larkin would work. Supervisor Bloomfield explained that once you have the contract you can order the car, when the car comes in, we have to pay for it ourselves and then obtain the money from the State of New York. Councilman Canterino said they had discussed budget transfers to purchase the car, but was not sure where that would be going at this time. He also stated that he and the supervisor were still negotiating police contracts today.

**SUPERVISOR BLOOMFIELD** reported Councilman Cappella, Neal Halloran and he met with the New York State Department of Transportation which is putting together a study group to integrate the County Traffic Plan with any traffic concerns or plans we might have in our community with the upgrading of Route 17A to 86. He said the work could be years off, because of a lack of funding, but they want to make sure it is all integrated in regard to training, so that they can do the best job that they can.

Supervisor Bloomfield said as Councilman Newbold had stated, they did meet with Congressman Hall's office. He said with the permission of the Board, on Monday night, we passed a Resolution to authorize the Supervisor to sign a request for stimulus or/and grant funds to replace the sewer infrastructure in Hambletonian Park and Arcadia Hills. He said the work on the application has been done and it is ready to go to Albany. He thanked Susan Cleaver for all the work she did on the application, and Al Fusco, who did not charge anything for his work. The Supervisor said he and Councilman Newbold will hand deliver the application to Congressman Hall on Thursday.

Supervisor Bloomfield reported the PBA has declared an impasse on our negotiations with them, and he and Councilman Canterino had their first mediation meeting with them today. He said Councilman Canterino left after an hour to do an errand, and then Councilman Newbold came and stayed for a couple of hours, and then he had to run an errand. Councilman Canterino returned, and the meeting lasted until two or three in the afternoon, and they will meet again.

The Supervisor thanked Senator Larkin for obtaining the money for the new police car. He also thanked Assemblyperson Annie Rabbit for her \$5,400 for the water tank for Scotchtown.

#### **OLD BUSINESS:**

**1. Appoint Carman Wooley to the Goshen Senior Center Board of Directors Effective March 11, 2010:** Councilman Cappella explained that the Senior Center has a Board of Directors, and we just accepted Debra Solomon's resignation, and he would like to now appoint Carman Wooley as the Town's representative to the Board of Directors. He said she is an active member of the Senior Center and he would like to welcome her to the Board. Councilman Cappella made a Motion to appoint Carman Wooley to the Goshen Senior Center Board of Directors effective March 11, 2010. The Motion was seconded by Councilman Canterino. Motion carried unanimously.

**2. Set Public Hearing for the Time Warner Cable Franchise Renewal:** Councilman Lyons referred to a letter from Brenda Parks, representing Time Warner Cable, that was placed in the Board Members boxes. The letter stated there was information she is working on pertaining to the cable franchise for the Town of Goshen. Ms. Parks said she would be available three dates in April for a Public Hearing, April 12<sup>th</sup>, 26<sup>th</sup> and 29<sup>th</sup>. Councilman Lyons made a Motion to set the Public Hearing for April 26, 2010 at 7.30 p.m. or as soon thereafter. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

**3. Approval of Minutes:** Councilman Newbold made a Motion to accept the Work Sessions of February 22 and March 8, 2010 and Regular Meeting of March 11, 2010. The Motion was seconded by Councilman Lyons with minor corrections to February 22<sup>nd</sup>, the major one involving Time Warner reads "the Town is provided with the requested service" but should read "the Town is provided with the requested franchise fees." Motion carried unanimously.

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

**1. Approve Hacienda Restaurant to Hold Cinco De Mayo Celebration on Wednesday, May 5, 2010 From 4:00pm to 11:00 p.m. :** Supervisor Bloomfield said in the last year or so the Board has been concerned about the safety of the parking along 17M, as the celebration is getting larger every year. Councilman Newbold said last year the Police came out and placed cones so that no one could park on the road. He said the cars were parked on the golf range across the road and the Veterinary allowed the people to park in his parking lot. Councilman Newbold said he saw no problem with it last year. The Board discussed the safety issue at length, and Supervisor Bloomfield said there also was a few complaints about the noise. Supervisor Bloomfield asked the Clerk to call the applicant and ask him to come in and perhaps Chief Marsh could attend also, and the Board could discuss these concerns. The Clerk will notify the applicant and the Chief.

**2. Humane Society Contract –** Attorney Caplicki explained that there have been some issues of late with the Humane Society for the lack of an existing contract. He explained the attorney for the Humane Society has modified and amended the usual format that the Society has been using in the past, and has submitted it to the Town. He said he has presented it to the Board for their review. Supervisor Bloomfield stated the Board will place the contract on the next Work Session to give himself and the Board time to review it. Attorney Caplicki suggested the Board meet with the members of the Humane

Society as there seems to be some problems within the organization. Supervisor Bloomfield stated these problems are on going, and he did not feel the Board should become involved. It was decided the contract would be put on the next Work Session, April 12<sup>th</sup>.

**G. FINANCES:** Councilman Canterino made a Motion to authorize the Supervisor to pay Accounts Payable Check Run for March 25, 2010 amounting to \$202,148.75. The Motion was seconded by Councilman Lyons, Motion carried unanimously.

**H. PRIVILEGE OF THE FLOOR:**

Jerry Boss said he was at the Town Board's Work Session on Monday night , and he said he was perplexed that for years, at every meeting of the Town Board and Planning Board, Steve Esposito, Landscape Architect, made statements pertaining to the developers he represents. He said Mr. Esposito represents Maplewood Development, Rieger, Heritage Estates, etc. Mr. Boss said ever since Mayor Weinberger told Mr. Esposito there would be no more hookups to the new Village Sewer System, Mr. Esposito has been saying that the developers would build the sewer plants and then turn it over to the Town. He said this was not what he heard from them on Monday night. Now, he said Mr. Walker is saying he will donate only the property for a regional sewer plant and Heritage Estates will now hook up to the Village. He said he did not understand this. The Board agreed.

There was a long discussion about how and why this has occurred, and the attempts the Town has made to draw up a new inter-municipal agreement pertaining to the current sewer agreement for Hambletonian Park and Arcadia Hills. Supervisor Bloomfield said the latest letter from the Village is saying to the Town "build your own sewer plant and tell us when to disconnect Hambletonian Park and Arcadia Hills." The Village also informed the Town that they were going to allow some of the developers to connect to the Village Sewer Plant.

Supervisor Bloomfield stated he will be meeting with Mr. Walker on this issue shortly. He said the Board is looking for stimulus monies to correct infiltration in both Hambletonian Park and Arcadia. He said the Board is also looking into getting a company to come in and build a plant, and the Town would supply them with the customers. The Supervisor said the Board will also continue on with the arbitration negotiations.

John Mungo, 22 Fleetwood Drive had two questions, one he read a recent newspaper the stated Mr. Roddey, Village Trustee, would be willing to offer the Town residents the same deal as the Village residents as long as they paid the \$70.00 a quarter that the Village pays. He asked how did this come off the table? Supervisor Bloomfield asked the representatives who are working with the Village if they could provide an answer? Attorney Caplicki said he felt Mr. Roddey was speaking for himself, and not the Village Board. Councilman Cappella stated he felt Mr. Roddey was under pressure to respond to the press he was talking to, as it was never offered to the negotiating team of Attorney Caplicki, Councilman Newbold and himself. Councilman Cappella said the Village never budged from the original contract.

Mr. Mungo said the second item he wanted to ask the Board is If Heritage Estates still needs a sewer plant. Supervisor Bloomfield replied yes. If the developer is not going to build the plant, how will this affect Hambletonian? The Board discussed various alternatives that might be possible. Supervisor Bloomfield said he has already been on the phone with American Standard about them building a plant at no cost to the Town and we provide the customers.

Mr. Mungo addressed the Board stating he would like to thank the Board, on behalf of all of the families of Hambletonian Park, for all your efforts on our behalf. He said "without you guys, I don't know where we would be," "you have all been so dedicated to looking out for our families, I thank you very much." Alison Graesser, 35 Yankee Maid Lane, referred to a recent letter from the Department of Health, stating they would not take part in the mediation, which is now arbitration. She asked what was the difference between the two? Attorney Caplicki explained that mediation is the wrong term and was never applicable to this situation, arbitration is the proper term. He said paragraph nine of both agreements, between the Town and the Village, one referring to Hambletonian Park, which expired in two thousand four, and the other one referring to Arcadia Hills, which is still in existence. He said both, in paragraph nine, refer to the fact that any item of interpretation, or matter of dispute, between the parties that the issues can be submitted by either party to the Commissioner of Health, in this case Dr. Hudson for determination. This determination would be binding upon both parties. He said this is what is called binding arbitration. He said mediation is just the assistance of a learned, intellectual, well meaning person, and hopefully an experienced individual, who will help to resolve the problem. He said this does not apply here.

Attorney Caplicki said binding arbitration is what is needed here, the Board asked Dr. Hudson to so act, she declined. He said what we are faced with now is binding arbitration, but we have no arbitrator, meaning the next step is to find someone to take Dr. Hudson's place, and what procedures we will follow. Attorney Caplicki stated the County Executives have not encouraged the use of their Commissioner of Health in cases of arbitration, and have asked the Towns and Villages to go elsewhere.

Councilman Canterino, a Village resident said the Town Board will then go elsewhere as they want to continue to negotiate, rather than initiate any kind of legal action, he said "we think it can be resolved, but that is the Town Board." He said the Town Board would like to talk it out and not waste anymore of the taxpayers' money on both sides. "We do not want to sue ourselves."

Ms. Graesser also said there is a discussion among CARE residents of Hambletonian Park about Bridle Path, we understand it is a current topic and would like to know the status. Supervisor Bloomfield said Bridle Path came up when discussing Heritage Estates, and the path or trail they are planning on creating. He said the question came up at that time that there may be a sewer pipe going through there, and the Board is still trying to find out if this is true. He said he has already heard from residents in Hambletonian Park that they hold the fear that some one will open it and build a road, and he said the Board will keep this in mind.

A discussion followed with who owns Bridle Path, at this time it is owned by Heritage Estates who is proposing to give it to us as open space.

Jerry Boss asked about the opening of Brookside Drive, Supervisor Bloomfield state it will remain closed.

Joel Markowitz said he has been told that the Villages new sewer plan has already, on a number of wet weather occasions, exceeded it's peak capacity, and he suggested the Board have Joel Klopchin look into this before going forward. Supervisor Bloomfield said this is really a Village problem, and that the Town Board is out of this loop.

With no further comments from the public, Councilman Newbold made a Motion to go into Executive Session, with intent not to return, to discuss the following:

1. Owens Road Potential Litigation
2. ADC Potential Litigation
3. Village of Goshen "Notice of Claim
4. Time Warner Franchise Renew Contract
5. Al Turi Tax Certiorari Status
6. Personnel Issue

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

Time: 8:35 p.m.

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Valma Eisma, Town Clerk