

TOWN OF GOSHEN
TOWN BOARD MEETING
April 29, 2010
MINUTES

A Regular Meeting of the Town Board of the Town of Goshen was held on the 29th day of April, 2010 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
	George Lyons	Councilman
	Kenneth Newbold	Councilman
	Louis Cappella	Councilman

Also Present:	Dennis Caplicki	Town Attorney
	Valma Eisma	Town Clerk

A. CALL TO ORDER: Supervisor Bloomfield opened the meeting at 7:35 p.m. and asked Councilman Canterino to lead the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA: None

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

D. REPORTS:

COUNCILMAN CAPPELLA reported that Highway will be going into the second week of clean up. He said after the storm Highway went through the sub divisions, etc. once and sometimes twice, and picked up branches, trees, etc. Highway advertised they would do it again during clean up. He said however, some people are putting the branches, etc. out after the trucks have already been through on the clean up. He said it will be very difficult for Highway to go back again, since they have been there three or four times.

Councilman Cappella said Highway received notice from FEMA, and they have declared Orange County a disaster area, due to the flooding of March 13th and 14th. He said now Highway will be putting in officially for \$64,624.00. He said the request already was sent to the County, but will now also go to FEMA.

Councilman Cappella reported the Senior Center rentals are up and doing very well this year, and are almost completely booked up until the end of May. He said they are still waiting to hear from Mrs. Perez, from the State, about the grant we put in for, about a month ago, for \$126,000.

COUNCILMAN NEWBOLD reported that thankfully the Water/Sewer Districts have been quiet, no water breaks. They are busy picking up branches, etc. and doing maintenance around the pump

stations. He said the Board had a successful meeting with the residents of the Water/Sewer Districts on Wednesday, April 14th to explain their water rates.

He said hopefully after tonight we will have a contract with the Humane Society.

COUNCILMAN LYONS reported Joint Recreation is busy doing a lot of planting out at Craigville Park, mostly Rose of Sharon as he has someone willing to donate them. He said Kate Schmidt and Tricia Sherlock will be out there planting on Saturday. He reported there was a tree planting day, mostly Rose of Sharon, on April 17th that went over very well.

He reported Little League day was held on April 10th, and is basically a work party between the children, the parents and JRC members to get the fields in shape.

Councilman Lyons said a Girl Scout Spirit day was held at Craigville Park on April 24th. we have a new director hired for the Day Camp.

He said he just heard today that three benches were destroyed in the Salesian Park, which will probably make it necessary to increase patrols. He reported that since the park is in the Village, the Village Police Department will be handling the investigation.

COUNCILMAN CANTERINO reported that all the agencies were contacted, including Supervisor Bloomfield. However, he said the Village Police will be handling it, as it is their jurisdiction. He reported it has been fairly quiet within the Town, and they are still in the middle of contract negotiations with the PBA, and are at the mediation stage. He said the Supervisor and he have met with the mediator and the PBA once, did not resolve anything. He said they will set up another meeting in the very near future.

Councilman Canterino said we did have a discussion with the Police Chief about budget expenditures and how we will contain the expenses so that we are on target. He said he spoke to the Chief today and he is prepared to meet with the Board next Monday to go over his recommendations to hopefully meet our budget goals.

SUPERVISOR BLOOMFIELD reported, pursuant to budget concerns, the Board put two part timers to work on the reval in the Assessor's office. He said they are loaning a person from the Building and Zoning Office to the Assessor's office in lieu of hiring the part timer.

He reported the Water & Sewer Department flush all the water lines in our water districts twice a year. They normally purchase water however. He said there was enough water in the tanks this year that they were able to use our own water, saving the high cost of trucking in water, approximately \$5,000.

Supervisor Bloomfield also reported the Board authorized him to forward to the Environmental Facilities Corporation two project submissions to replace the infrastructure in Hambletonian Park and Arcadia Hills. He said he thought the total cost they are asking for is five point three million. He said the requests have been received by EFC and are currently being evaluated.

The Supervisor explained that the cupola at the top of the Town Hall is in need of repair, and the Board has authorized him to contact an engineer to evaluate it's condition and determine what needs to be done to repair it, if possible. He said there was an estimate for repairing it in 1992 when the fire took place, at the cost of \$40,000. The work was not done then, it was just cleaned up and put back up. He said now the money will have to be spent .

E. OLD BUSINESS:

1. Humane Society Contract Review and Approval: Supervisor Bloomfield asked Attorney Caplicki to explain the Resolution before the Board in reference to a new Humane Society Contract. Attorney Caplicki reviewed the contents of the contract and the Resolution basically says the Board is retaining their services to assist us in animal care, and the annual cost will be \$ 15,000 a year. He referred to the last line in number 2 on the second page of the contract which now included cats. He stated this is annual, but can be terminated at any time by either party. Councilman Newbold made a Motion to accept the Humane Society Contract. The Motion was seconded by Councilman Canterino for discussion.

Councilman Cappella said the Board knew at the last meeting that we had to insert the annual amount, he said there is \$15,000 written in the contract. He said there was confusion about the amount, and he wanted to be sure the proper amount is in the contract. It was decided it has been approved in the budget for this year.

Councilman Canterino said the way the contract is written the Board would be locked in annually to give the \$ 15,000, and would not allow the Board to change it or give a lesser amount if necessary. A lengthy discussion on how this paragraph should be rewritten was held with various suggestions from the Board. Attorney Caplicki stated he could work on changing paragraph two during the rest of the meeting if the Board would like to table this for now, and come back to it at the end of the meeting. The Board agreed to do so, and Councilman Newbold made a Motion to table the Motion and address it later in the meeting. The Motion was seconded by Councilman Canterino. Motion carried unanimously.

Councilman Newbold asked if the Dog Control Officer, Lauren Sandstrom had reviewed the contract as she had requested? Attorney Caplicki replied she had reviewed and approved it. However, she felt the Board was severely paying for the service if cats were not included.

2. Annual Renewal of Dial-A-Bus Contract With County of Orange: Supervisor Bloomfield explained that New York State, the County of Orange and the Town of Goshen all participate in the Dial-A-Bus program. He said the State of New York has hired an individual firm to administer this, and they are streamlining it, and changing the administrative procedures. Supervisor Bloomfield said one of them is that we do not have to voucher an invoice for reimbursement for the service that we have provided. He said the Town will receive the same amount of money, but it will be streamlined, and less paper work, and the rest of the contract is the same as it has been in the past. Councilman Cappella made a Motion to authorize the Supervisor to sign the annual renewal of the Dial-A-Bus with the County of Orange. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

3. WATER/SEWER 2010 PER DIEM LABOR AND SERVICES BID RESPONSES: Supervisor Bloomfield explained that this is a cost savings idea. He said the Water/Sewer Department uses contractors to supplement the Department of Public Works when they need to pull pumps, flushing lines, digging holes, etc. He said they have been using basically one or two corporations for electrical, plumbing, etc. He said our people thought it would be good to put these things out to bid.

Supervisor Bloomfield said Riddick Associates drew up specifications, and it was sent out to bid. The bids have been received, and Attorney Caplicki has been working with the engineer reviewing the bids. The Board is now ready to establish a list of individuals and/or entities that will be selected in order of availability. The electrical part of the bids have been removed as there was a problem with the IBEW made an objection to the format, about the issue with the apprentice, and the County law, etc. Councilman Newbold made a Motion to accept the bids. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

**TOWN OF GOSHEN
RESOLUTION**

**Approval of 2010 Per Diem Labor and Service Bid Responses;
Order of Engagement/Priority**

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman George Lyons

DATED: APRIL 29,2010

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 29th day of April, 2010;

WHEREAS, The Town of Goshen has previously solicited proposals for per diem labor, electrician, excavation, plumbing/mechanical, and sanitary sewer jet/vacuum services; and

WHEREAS, the Town is in receipt of numerous such proposals same complying in all respects with the proposal request;

NOW, THEREFORE, BE IT RESOLVED, that the annexed proposals for 2010 per diem labor, excavation services, plumbing & mechanical services, sanitary sewer jet/vacuum services be accepted and award(s) be made to all individuals and/or entities submitting said proposals and that a list be established and maintained within Town Hall from which list the individuals and/or entities will be selected in order based upon availability for any such per diem labor or service.

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.

Supervisor Bloomfield asked since the Electrical was taken out of the selections, should there be a Motion to put it out for a re-bid? Attorney Caplicki replied yes. Councilman Canterino made a Motion to authorize the Supervisor to work with Riddick Associates to go out for competitive bids for the electrical services for the Water/Sewer Department. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

4. TIME WARNER CABLE FRANCHISE RENEWAL: Supervisor Bloomfield said this would be tabled for another meeting due to a lack of information.

F. NEW BUSINESS:

1. RESOLUTION: Return of Maintenance Bond on Tobias Subdivision:

**TOWN OF GOSHEN
RESOLUTION**

**Release of Performance Bond to principals with Respect to Tobias Subdivision
Section 5, Block 1, Lot 55**

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 29th day of April, 2010;

WHEREAS, the Applicant has posted with the Town of Goshen a \$19,000 Performance Bond with respect to Section 5, Block 1, Lot 55, Lands of Tobias Subdivision; and

WHEREAS, the Town Board of the Town of Goshen by prior Resolution of February 14, 2008 reduced the amount of said bond by the sum of \$4,600 to \$14,400; and

WHEREAS, Tobias has performed all the requirements with respect to said Performance Bond and the Building Inspector of the Town of Goshen has recommended that the Performance Bond be released;

NOW, THEREFORE, BE IT RESOLVED, that the Performance Bond with respect to Section 5, Block 1, Lot 55 pertaining to the Lands of Tobias be released.

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.

2. Authorize the Highway Superintendent to Hire Two Seasonal Employees, Ken Cardini and Ryan Kingsley at \$14.75 Per Hour Effective May 10, 2010:

Supervisor Bloomfield explained that the Board had approved the hiring of two seasonal employees at an earlier meeting, and now the Highway Superintendent has two applicants to fill these positions.

Councilman Cappella made a Motion to authorize the Highway Superintendent to hire two seasonal employees, Ken Cardini and Ryan Kingsley, at \$14.75 per hour effective May 10, 2010. The Motion was seconded by Councilman Newbold. Councilman Newbold asked if the candidates had been background checked, a usual procedure. Supervisor Bloomfield said he wasn't sure of this, and Councilman Cappella will be sure it is done. Supervisor called for a vote, and the Motion was passed unanimously.

3. DISCUSS POTENTIAL PURCHASE OF A USED DUMP TRUCK FOR DPW:

Councilman Cappella reported that Highway's 1989 International dump truck is in for repairs. He said during an inspection the truck was discovered to have a crack in the main frame. He said it was sent out for a second opinion and several large cracks were found in the main frame. He said the estimated cost of repair is \$11,000, and in making the repairs they might find more damage.

However, Councilman Cappella said the Highway Superintendent, and one of the employees went to the Town of Hamptonburgh to look at a 1996 International Dump Truck for \$12,000 that Hamptonburgh is putting out to bid. The truck has fifty eight thousand miles on it, Councilman Cappella said he felt this is a good buy and the Highway Superintendent would like to bid on it.

Councilman Cappella made a Motion to authorize the Superintendent of Highways to bid on an International truck that is being offered for bid by the Town of Hamptonburgh. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

G. FINANCES: Councilman Canterino made a Motion to authorize the Supervisor to pay Manual A/P runs as of 4/15 – 4/22/2010 amounting to \$2,946,670.24 and Accounts Payable Check Run for April 22, 2010 amounting to \$111,323.21. The Motion was seconded by Councilman Lyons. Motion carried unanimously. Supervisor Bloomfield explained that the \$2,946,670 figure includes the three payments of tax money to the three Fire Departments – Goshen, Chester, and Florida. Since all three companies cover various areas of the Town, the Town collects their taxes and we pass the money on to them.

Supervisor Bloomfield addressed Attorney Caplicki, and asked if he was ready to return to the Humane Society Contract? Attorney Caplicki said following the language of paragraph two he would make the following changes:

2. Town shall contribute the sum of Fifteen Thousand Dollars (\$15,000) for the fiscal 2010; it being understood that said amount shall be reviewed annually and modified up or down according to Decision of the Town Board of the Town of Goshen to GHS to be used by GHS to defray a portion of the costs to GHS of providing the administration and operation of the programs of GHS including the provision of such services to the TOWN as described aforesaid including custody, care and lawful disposition of lost, homeless, abandoned, seized or stray animals including, but not limited to, cats. Payments by Town to GHS shall be made quarterly on or about January 31, April 1, July 1.

It is understood that, as determined by the Town Board of the Town of Goshen, in the event of monetary or budgetary constraints or based upon such other municipal interest (s) or concern(s) the Town Board of the Town of Goshen shall have the absolute unconditional right during any annual term hereof to unilaterally reduce the contribution of the Town of Goshen.

The question of the original Motion was addressed, and Councilman Newbold withdrew his original Motion, and Councilman Canterino withdrew his second, original Motion nullified.

Councilman Newbold made a Motion to authorize the Supervisor to sign the annual 2010 Humane Society Contract, with the changes presented by the Attorney for the Town. The Motion was seconded by Councilman Canterino for discussion, and said he would like to make it clear that there is no intention at this time to reduce any funds that were promised to the Humane Society.

**TOWN OF GOSHEN
RESOLUTION**

**Authorization for the Supervisor of the Town of Goshen to Sign Contract
Between the Town of Goshen and the Goshen Humane Society**

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 29th day of April, 2010.

WHEREAS, the Goshen Humane Society is legally qualified and is able to and has been engaged in providing shelter, custody, care, disposition and related services with respect to lost, homeless and abandoned animals within the Town of Goshen in compliance with the Laws of the State of New York, and

WHEREAS, Goshen Humane Society has requested financial assistance from the Town of Goshen to support the operations, programs and activities of the Goshen Humane Society; and

WHEREAS, the Town of Goshen wishes to utilize the services of the Goshen Humane Society including, but not limited to, access to and use of the shelter facility located at 44 Police Drive, Goshen, New York;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Goshen is authorized to sign on behalf of the Town of Goshen the annexed contract between the Town of Goshen and the Goshen Humane Society for the provision by the Goshen Humane Society of providing shelter, custody, care, disposition and related services with respect to lost, homeless and abandoned animals within the Town of Goshen.

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.

H. PRIVILEGE OF THE FLOOR:

Jerry Boss asked about the contractor's list for tow trucks, and how they were called? He asked if contractor A was called tonight, would Contractor B be called the next time? Supervisor Bloomfield replied no, as contractor A is the lowest bid and will be called each time first. If A is not available the Board would go to contractor B.

Joel Markowitz asked about the cable franchises, and why there is only one provider? He also asked why the Town is not soliciting other providers? Councilman Lyons said the Board has been soliciting. He said when Warwick Valley came in to ask for their renewal, the Board told them we would love to have more competition, and would they be interested? They said they would consider it, but the Board never heard from them. Councilman Lyons also stated it clearly states in the Time Warner Contract, that it is not an exclusive franchise.

Mr. Markowitz asked if Time Warner paid a franchise? Councilman Lyons replied yes, and if this contract is agreed upon they will be paying 5% of the gross revenues. Councilman Lyons explained other aspects of the franchise payment that he said allowed the Town to receive the maximum amount possible.

There was a brief discussion about the cell tower that is seeking to locate it the Town, and how the war is affecting our budget, and the entire economy. Councilman Canterino stated it is bound to have a trickle down effect.

Neal Hickok asked if the Board knew how many casualties there have been in Goshen. Supervisor Bloomfield answered he knew there are some, but off hand he could not be sure of the number. He stated that having served in wartime he said "war is a stupid thing", "a human failure". Councilman Newbold said we have lost many residents, not just in Goshen, but in Orange County, and we just hope that all our men and women, who are in harm's way will come home safe.

With no further comments, Councilman Newbold made a Motion to adjourn the meeting and go into Executive Session to discuss

1. Al Turi Landfill Tax Certiorari-Discuss Fee Schedule for Appraiser and Attorney to defend the Certiorari
2. ADC – Litigation
3. Village Sewer Dispute Status
4. Woodland Hills Appeal

with intent not to return. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

Time: 8:40 p.m.

Valma Eisma, Town Clerk

