

TOWN OF GOSHEN
TOWN BOARD MEETING

July 08, 2010
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 08th day of July, 2010 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 7:33 pm, followed by the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

None at this time

C. PRIVILEGE OF THE FLOOR (agenda items only)

No Response

D. OLD BUSINESS;

1. New York Comptroller Audit Report

Supervisor Bloomfield received the wastewater treatment plant audit report from the State Comptrollers office. This 25 page report covers transactions from June 1, 2003 thru November 2, 2009. It covers the planning and building of the wastewater plant. It also covers questions the Town posed as to the justification of the billing process. Two of the main points pertinent to the Town in this report are that the NYS Comptrollers auditing group supporting the position the Town has taken that the Town residents have been over charged for their sewer services. Quoting from an article in today's Times Herald Record, "A state comptroller's report released this week supports accusations by town residents that they have been over-

charged on their sewer bills." The report also pointed out that the Town has correctly been constant in its request to settle this dispute by binding arbitration versus going to court. Other findings in the audit supported the Town's position that incorrect and biased billing practices occurred. It would be of interest to both the Town and Village residents to review the audit.

Supervisor Bloomfield referenced an article in the Times Herald Record (7-1-2010). Reporting: the Village Trustee Kyle Roddey stated that the Town rejected an offer proposed by the Village in the negotiation process. Supervisor Bloomfield stated that "we gave a counter-offer and the counter-offer was/is that they (Village) take over our lift station and beyond, so that in essence, we would be getting services for the dollars rendered in the billing process."

Supervisor Bloomfield called for comments from the Board Members.

Councilman Cappella reflected on what took place at negotiations "after we number-crunched the proposal, we found out that probably 65% to 75% of the people would be paying equal, if not more, than what they were paying before with the infiltration. All along we (Town) asked for a level playing field. The level playing field was the measurement of water. Rates were a different issue." "Our two subdivisions currently not only pay the Village for service, but they pay for other services within the Town to get work performed." "If you're in the sewer business, you're in the sewer business. So, all we are asking for is that our lift stations would be included in the system, because the lift station is part of a sewer system. The rates that we have been paying before, right now and the rates that we would have paid for going forward – we would have been paying for their lift stations, for their administration costs, for their transmission lines and everything else that's in that bill, but yet we would still have to charge our two subdivisions, a different organization, to take care of things that we're subsidizing the Village and we just didn't feel that was fair." "Lift stations are part of a sewer district and we wanted them to be taken care of so these two subdivisions could get some relief, but it's not even relief, it is the right thing." Councilman Cappella feels that the lift stations are part of the sewer system which the Village has. Therefore, the Town people are getting "double-dipped". He added that "the outside Village rate that they were proposing, they do have some customers that are signed up on that, but those people that are signed up get *full service*."

Councilman Canterino stated his position. "We have two boards that represent Goshen and we can surely negotiate and come to some agreement. Obviously, if we can't then it should go to arbitration; but, if we don't and it goes into court, we come out with whatever the result was, including legal fees. It just doesn't make any sense. We have enough expenses to pay and the tax burden on our residences is just overwhelming at this particular point. We're adult boards, and we should be able to work this out..." He doesn't see why we can't work this out. He would like the Village to review all of the documentation the State has reviewed for the audit. "Maybe they (Village) can take another look at all their documentation and the methods that they used to bill the sewer and bill the residents of the Town what they included and maybe a new platform for negotiations." "We need an agreement and maybe they (Village) can just review everything and we can start the negotiations again."

Councilman Newbold made it clear "that we went into negotiations not with an ax to grind, not to prove that we are right and you are wrong. They did the numbers. We did our numbers and we presented them, I think, in a very professional fashion. To me that was important. We are not out to hurt the Village residents....." "We just want a level playing field." He thanked certain residents for assisting in a letter writing campaign to bring the NYS Comptroller to Goshen to get the audit started.

Councilman Lyons followed-up on what Councilman Canterino said, "It clearly states in the inter-municipal agreement that we have with the Village that there will be arbitration, not litigation. Somehow, or other, we don't seem to be able to get that through to the Village....." "Secondly of all, there's a Corrective Action Plan that is supposed to be produced within ninety days by the Village. I'll be very interested to see what they come up with as far as their corrective action, and how they will address the matter in the audit."

Supervisor Bloomfield, speaking for the Board, "we want to get this behind us and we think we can work it out." "Deal with the facts. The Town Board, we believe we've got a very strong case. We felt this all along that we present and deal with negotiations...." "Win, loose or draw, we need to bring this to resolution."

E. FINANCE

Councilman Canterino made the motion to authorize the Supervisor to pay Manual A/P runs of 6/30/2010 amounting to \$351,155.89 and Accounts Payable check run for July 8, 2010 amounting to \$123,573.10. Councilman Cappella seconded the motion.

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

F. PRIVILEGE OF THE FLOOR:

Gary Wile questioned the reduction in home assessment process. His concern centered on parcel assessment reductions one year and then raised the following year, even in a falling home market. "I often wonder whether the Board of Assessment Review even looks at the assessments". It was suggested to Mr. Wile that he speak to the Assessor for an explanation. The Town Board has no jurisdiction over the Assessor's decision.

Neil Hickok inquired what would happen if the Village took over the sewer lift stations from the Town, therefore the Town would have no incentive to address the water infiltration issues. Response: the lift stations (collection pit and the pumps) have nothing to do with I & I issues. The Town has been repairing their I & I problems for the past two years.

Supervisor Bloomfield detailed some of the I & I repairs that have been done in the past to reduce infiltration. "We've been working on this all along and we intend to do this all along, not because of the sewer charges from the Village, but because environmentally it is the thing to do". Furthermore, the Town has been responsible for this all along, without any dialogue or pressure from the Village.

Councilman Cappella stated that since the I & I repairs have been done, the reduction to Arcadia Hills in 2008/2009 was about seven million gallons and the reduction in Hambletonian Park was about one million gallons of flow into the Village. With reducing the total flow, the Town saw a significant reduction in cost.

Joel Markowitz questioned the validity of a comment that Village Trustee Roddey made as to the run-down condition of the Town pump station. Response: on an average of once a year, we pull out the pumps, do the necessary maintenance, and put them back in. This cost is about \$10,000 for each development. The Town residents who pay the Village for these services are charged about 65% of their bill including their new wastewater treatment plant and the *whole* Village infrastructure. The Town gets 35% of the charge that goes to operate its' infrastructure such as the lift station, pipes and administration (billing).

Councilman Newbold reminded the residents of Arcadia Hills who wonder what the blue flag means. It refers to water constraints. Due to the extreme dry conditions and hot weather, the Town Board has instituted "Blue Flag" water restrictions effective immediately. A flyer was sent to the residents listing the conditional activities permitted. [Manual watering of outdoor plantings and lawns, only hand held hoses or watering cans, sprinkling devices prohibited and non-commercial washing of cars and other vehicles.] This does not only apply to Goshen, but is happening in other surrounding Towns as well.

H. EXECUTIVE SESSION:

Councilman Newbold made the motion to enter into Executive Session to discuss the following;

1. Town/Village Sewer Dispute Review
2. Impending Tax Certioraris
3. Riccardulli Request For Land Purchase
4. Sullivan Litigation Status
5. Time Warner Cable Franchise Renewal Status
6. Heritage Estates Status

with the intent not to return. The motion was seconded by Councilman Canterino. Motion carried.

I. ADJOURNMENT

The public meeting concluded at 8:12PM

Priscilla Gersbeck, Deputy Town Clerk