

**TOWN OF GOSHEN**  
**TOWN BOARD MEETING**

July 28, 2011  
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 28th day of July, 2011 at the 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 7:34 pm, followed by the Pledge of Allegiance.

**B. AMENDMENT TO THE AGENDA**

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

None at this time.

**D. REPORTS:**

**Councilman Canterino:** The Town had an offer of \$12,500 for purchasing a police vehicle. Hence, the Town would pay for half. However, this was not discussed with the Police Chief and could turn out to be an invalid offer. He will follow up on this.  
He had a discussion with the Police Chief as to budgetary issues. The Police Department is trending higher than budgeted for. This will be monitored closely.

**Councilman Lyons:** Submitted a detailed report from the JRC activities. In summary: the summer recreation day camp is currently in the 5<sup>th</sup> week of a 7 week session. It started out slow, but has picked up. In addition to the recreation camp, boys baseball and basketball camps run at CJ Hooker Middle School had a good registration turnout. Currently, the youth co-ed tennis, basketball and track programs are in session. These programs are offered free to Goshen residents and are funded by a grant through the Orange County Youth Bureau. The JRC in conjunction with US Sports Institute ran a golf clinic and Sports Squirts (for pre-

school aged children) at Craigville Park. For more information about the summer camp programs, visit their website [www.goshenrecreation.org](http://www.goshenrecreation.org).

Reporting on the Parks: the restroom project at Salesian Park is completed. The current entrance road to Salesian Park and the main entrance road to Craigville Park are riddled with potholes and will be repaired in the near future. The Tour de Goshen is scheduled at Craigville Park on 8/21/2011. Erie Street Park will begin the fall session of Goshen Youth Football and Cheerleading on 8/1/2011.

Councilman Lyons is also working on the cost of Health Insurance. It is over \$70,000. He contacted a representative at Marshall & Sterling and will report his findings to the Board.

**Councilman Newbold:** Hasn't heard of anything major happening with the water & sewers.

**Councilman Cappella:** The Highway Department is involved with their road program. They replaced four culverts along Arcadia Road. Between now and the end of September, they will be working strictly on the road program with patching.

Reporting on the Senior Center: Last week our area was engulfed in an unbearable heat wave. The Senior Center was opened to the public as a "cool place" until 8:00pm. Due to the lack of publicity, attendance was sparse. As a result, he is announcing that if another heat wave occurs, please contact either the Police Dept. or phone Ellen Teatum at the Center or go to [www.gosheniorcenter.org](http://www.gosheniorcenter.org) to see if the senior "cool place" will be open. It will also be posted on the Senior Center door.

The Dial-A-Bus is very busy. It could be that with the price increase in gas, more people are using the bus.

**Supervisor Bloomfield:** The Town received grant monies from the State Comptroller's Office of: \$3,758.00 for a Police Department air conditioner and \$5,476.00 for a Scotchtown Park water storage tank. Both were from Legislator Annie Rabbitt.

## **E. OLD BUSINESS:**

### **1. Review And Approve Proposed Resolution To Settle RAD Realty Tax Certiorari**

Attorney Caplicki reviewed the proposed Resolution. RAD Realty is the Hendler Building on Cyprus Road. The refunds are: Town-\$3,014, School-\$45,062 (\$30,709 actual refund/2011 taxes not yet paid), Village-\$16,963, FD-\$3,309 and County-\$7,815.

## **TOWN OF GOSHEN RESOLUTION**

### **Settling of Tax Certiorari Claim; RAD Realty Co. v. Board of Assessors for the Town of Goshen, Town of Goshen**

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman Philip Canterino

DATED: July 28, 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 28th day of July, 2011;

WHEREAS, RAD Realty Co. has commenced tax certiorari proceedings against the Town of Goshen in the Supreme Court of the State of New York, County of Orange; and

WHEREAS, said tax certiorari proceedings are pending against the Town of Goshen for tax years 2009-2010; 2010-2011; and 2011-2012; and

WHEREAS, it appears from the recommendation of the Town Assessor, the Town's Appraiser and Dennis P. Caplicki, Esq. of Caplicki Law Offices, Counsel for the Town of Goshen in the subject proceedings, that subsequent to a thorough investigation of the claims, that further proceedings and litigation by the Town with respect to said proceedings would involve considerable expense, the attendant uncertainty of the outcome and that settlement of the above matters as more fully set forth below is reasonable and in the best interests of the Town of Goshen; and

WHEREAS, RAD Realty Co. is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

1. That the proceeding for the 2009-2010 tax year be compromised and settled by the assessment being reduced to a total amount of \$810,000 for Tax Map Section 10 Block 1 Lot 55.
2. That the proceeding for the 2010-2011 tax year be compromised and settled by the assessment being reduced to a total amount of \$892,500 for Tax Map Section 10 Block 1 Lot 55.
3. That the proceeding for the 2011-2012 tax year be compromised and settled by the assessment being reduced to a total amount of \$924,500 for Tax Map Section 10 Block 1 Lot 55.
4. That petitioner's real property taxes for the 2009-10, 2010-11 and 2011-12 be adjusted accordingly and that the petitioner be reimbursed for any over payment without interest, if paid within ninety (90) days of Notice of Entry, or be credit with the corresponding decrease in taxes, as the case may be.

NOW, THEREFORE, BE IT RESOLVED, that the proposed settlement as set forth and described above is hereby accepted pursuant to Section 68 of the Town Law and it is further;

RESOLVED, that Douglas Bloomfield, Supervisor of the Town of Goshen, JoAnn Soules, Assessor of the Town of Goshen, and Dennis P. Caplicki, Esq. on behalf of Caplicki Law Offices, be and they hereby are designated to sign any and all documents on behalf of the Town of Goshen to effectuate the foregoing settlement.

Upon Roll Call Vote:

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

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

**2. Review And Approve Proposed Resolution To Settle Orange Hollow Tax Certiorari**  
Attorney Caplicki reviewed the proposed Resolution. Orange Hollow is located on 6 ½ Station Rd. The refunds are: Town-\$11,411, School-\$57,177 (\$38, 657 actual refund/2011 taxes not yet paid), FD-\$3,954 and County-\$10,531.

**TOWN OF GOSHEN  
RESOLUTION**

**Settling of Tax Certiorari Claim; Orange Hollow Racquet Club v. Board of Assessors for the  
Town of Goshen, Town of Goshen**

INTRODUCED BY: Councilman Philip Canterino

SECONDED BY: Councilman George Lyons

DATED: July 28, 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 28th day of July, 2011;

WHEREAS, Orange Hollow Racquet Club has commenced tax certiorari proceedings against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for; and

WHEREAS, said tax certiorari proceedings are pending against the Town of Goshen for tax years 2009-2010; 2010-2011; and 2011-2012 bearing Orange County Index #'s 7644/2009, 8436/2010 and 6937/2011; and

WHEREAS, it appears from the recommendation of the Town Assessor, the Town's Appraiser and Dennis P. Caplicki, Esq. of Caplicki Law Offices, Counsel for the Town of Goshen in the subject proceedings, that subsequent to a thorough investigation of the claims, that further proceedings and litigation by the Town with respect to said proceedings would involve considerable expense, the attendant uncertainty of the outcome and that settlement of the above matters as more fully set forth below is reasonable and in the best interests of the Town of Goshen; and

WHEREAS, Orange Hollow Racquet Club is willing to settle these proceedings without interest, costs or disbursements, in the following manner:

1. That the proceeding for the 2009-2010 tax year be compromised and settled by the assessment being reduced to a total amount of \$729,000 for Tax Map Section 12 Block 1 Lot 8.13.
2. That the proceeding for the 2010-2011 tax year be compromised and settled by the assessment being reduced to a total amount of \$803,250 for Tax Map Section 12 Block 1 Lot 8.13.
3. That the proceeding for the 2011-2012 tax year be compromised and settled by the assessment being reduced to a total amount of \$803,250 for Tax Map Section 12 Block 1 Lot 8.13.
4. That petitioner's real property taxes for the 2009-10, 2010-11 and 2011-12 be adjusted accordingly and that the petitioner be reimbursed for any over payment without interest, if paid within ninety (90) days of Notice of Entry, or be credit with the corresponding decrease in taxes, as the case may be.

NOW, THEREFORE, BE IT RESOLVED, that the proposed settlement as set forth and described above is hereby accepted pursuant to Section 68 of the Town Law and it is further;

RESOLVED, that Douglas Bloomfield, Supervisor of the Town of Goshen, JoAnn Soules, Assessor of the Town of Goshen, and Dennis P. Caplicki, Esq. on behalf of Caplicki Law Offices, be and they hereby are designated to sign any and all documents on behalf of the Town of Goshen to effectuate the foregoing settlement.

Discussion: Councilman Cappella inquired if this property is based on income? Response: Yes. With more sports facilities opening, the competition has affected their business. This facility has suffered a substantial decline in gross income. As a result, the appraiser could not justify the assessment. Councilman Cappella questioned how the appraisal affected prior years, since the competition has only been operational for the past year. Orange Hollow projected substantial cancellations in various membership activities with people who were waiting to join another facility. The new facilities offer “per-diem” charges so people aren’t forced to join for the entire year. “Per-diem” charges are less than full membership charges.

Upon Roll Call Vote:

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

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

**3. REVIEW PROPOSED RESOLUTION TO ACCEPT NEW YORK FARMS, LLC (AKA HERITAGE ESTATES) CONSERVATION EASEMENT PROPOSAL, PARCEL A AND PROPERTY TRANSFER WITH CONSERVATION EASEMENT PARCEL B**

Attorney Caplicki stated that NY Farms is still working with the Village. We are waiting for their response.

Supervisor Bloomfield received a letter dated 6-13-11 from Steven Esposito requesting the status of the Town Board with regards to accepting the conservation Easement Over Open Space A and to accept in fee Open Space B with a Conservation Easement over it.

**4. REVIEW PROPOSED RESOLUTION TO CREATE AN EXPANDED HAMBLETONIAN PARK WATER DISTRICT TO INCLUDE 75 NEW HOMES OF THE NEW YORK FARMS, LLC SUBDIVISION**

Attorney Caplicki is still waiting for a formal sign-off from the Planning Board.

**5. REVIEW AND DISCUSS UCPM INSURANCE COMPANY PROPOSAL FOR STORAGE TANK, THIRD PARTY LIABILITY COVERAGE**

Councilman Lyons, referencing Monday’s meeting, contacted Gregory Townsend of Marshall & Sterling Insurance. He has not received a quote on insuring two of the four tanks at 44 Police Drive.

**6. REVIEW AND APPROVE REQUEST BY NEAL HALLORAN TO ATTEND FEMA FLOODPLAIN DEVELOPMENT TRAINING, LATHAM, NEW YORK, AUGUST 15-18, 2011**

Supervisor Bloomfield received a request from Neal Halloran (Building & Zoning) to attend a FEMA

Floodplain Development conference. The conference will address the important issues of floodplain management. The training will be held in Latham, New York on August 15-18, 2011. His memo states "The cost of the training is free except for the cost of transportation, room, and meals. The cost of the room for three nights would be approximately \$186 plus taxes. Meals would be an estimated \$30-\$40 per day for four days; roundtrip mileage would be 240 miles plus an estimated 20 miles up there getting to and from the training. If I take the town car it would be the cost of gas. If I took my own vehicle, it would add approximately \$156. The Total cost using the town vehicle for transportation would be approximately \$346, plus gas, taxes, and tolls. If I were to use my vehicle, the cost would be approximately \$502, plus gas, taxes, and tolls."

Councilman Lyons made the motion to review and approve the request for Neal Halloran to attend the FEMA Floodplain Development conference on August 15-18, 2011. Councilman Newbold seconded the motion.

Discussion: Councilman Lyons mentioned that Neal Halloran was originally approved to take this class a year ago, but cancelled to attend a meeting with the Supervisor at the County Government Center. With some discussion, the Board was in agreement to have Neal Halloran take his own vehicle.

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

#### **7. DISCUSS AND MODIFY TOWN OF GOSHEN PUBLIC ASSEMBLIES APPLICATION PROCESSING FEE SCHEDULE**

At the Town Board Work Session held on Monday, the Board approved a list of application processing fees for different types of public assemblies/special events. Since then, discussion was held between the Planning Department, the Clerk's Office and the Police Chief as to fees for inspections and police personnel coverage. Suggestions for inspection fees and for police personnel coverage were presented to the Board for consideration. Also posed was the question if the application fee should be refundable.

Supervisor Bloomfield called for comments from the Board.

Councilman Newbold was concerned if an event was cancelled, what charges would be determined for a Police Officer who has committed his schedule to work at this event? The wording was changed to read as follows; "In cases where an event is cancelled, rate adjustments will apply as determined and calculated by the pertinent municipal official".

The amended addition to the Processing Fee Schedule reads as:

#### **Code Enforcement Inspections For Public Assemblies/Special Events**

**Fee(s) for inspection(s) performed by the Code Enforcement Officer and/or an Inspector designated by the Code Enforcement Officer; calculated at the rate of \$125.00 per hour of time expended.**

#### **Police Officer Inspections**

**Fee(s) for inspection(s) performed by the Police Chief and/or a Police Officer are calculated at the rate of \$125.00 per hour of time expended.**

**Police Personnel Coverage**

**Labor costs associated for Police Personnel Services will require the promoter/event planner to reimburse the Town of Goshen at the prevailing officer(s) hourly overtime rate, including associated benefits, i.e. FICA, as set forth by the current bargaining agreement. This rate will be set according to the existing Police Employee Contract in existence at the time of the event. Vehicle and equipment costs will be 10% of the Police Officer(s) rate of pay, per hour for the entire period that the event is scheduled. In cases where an event is cancelled, rate adjustments will apply as determined and calculated by the pertinent municipal official.**

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**Additional fees may be included for: Planning Bd. Review and any other miscellaneous charges.**

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Councilman Lyons made the motion to amend the Application Processing Fee Schedule as discussed. Councilman Cappella seconded the motion.

Discussion:

Councilman Lyons referenced the application supplement "Other" in which one of the categories covered is Demonstrations. An article featured in the Middletown paper alluded to freedom of speech; therefore, an application fee should be reviewed. Response: There will be many Constitutional issues to the Public Assemblies Law as with any Law. It was determined to review each application on a *case-by-case* presentation to determine the necessary processing fees.

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

**F. NEW BUSINESS:**

- 1. COUNCILMAN GEORGE LYONS AND COUNCILMAN LOU CAPPELLA HAVE AGREED TO LEAD AN EFFORT TO EXPLORE A VIABLE ALTERNATIVE TO THE VILLAGE SEWER PLANT FOR CURRENT AND FUTURE SEWER SERVICE NEEDS**

Supervisor Bloomfield stated that "It truly is with a great deal of reluctance that we discuss this". "The Village has the capacity. We would like access to that capacity. We would like to work with the Village." Things have happened to give us a need to go in this direction. Namely a response to a letter written to



**Jerry Boss** suggested that a fast way to announce the availability of a “cool place” in to contact WTBQ Radio (1110AM) at 651-1110. It can be announced as a public service. Mr. Boss noted that the Village and the Town do work well together when it comes to the Senior Center, Parks & Recreation, sharing the Assessor Office Dept. etc. The Village could be looking for investors for the sewer plant. He suggested that the Town become *equal partners* with the Village, excluding the contaminated dirt pile.

Councilman Canterino feels that this would not work out, because the sewer plant doesn't service Town wide. It would only service the home owners in special districts and those people have no say/no vote, because of Village jurisdiction. We are obligated to provide sewer service to around 400 homes in Special Districts.

**I. EXECUTIVE SESSION:**

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

1. Discuss Status Of Sewer Arbitration
2. Discuss Status Of Jewish Lubavitch Tax Certiorari
3. Review Status Of Time Warner Cable Franchise Renewal Contract

with the intent not to return. The motion was seconded by Councilman Newbold. Motion Carried

**ADJOURNMENT:** 9:00 PM

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Priscilla Gersbeck, Deputy Town Clerk

