

**TOWN OF GOSHEN**  
**TOWN BOARD WORK SESSION**  
**September 19, 2011**

**MINUTES**

A Work Session of the Town Board of the Town of Goshen was held on the 19<sup>th</sup> day of September, 2011 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

Supervisor Bloomfield called the meeting to order at 7:30 P.M., and led the Pledge of Allegiance.

**ITEMS FOR DISCUSSION:**

**1. INFORMATION –ROTARY CLUB MEETING:** Supervisor Bloomfield reported that the Board is invited to a meeting at Glenn Arden to discuss potential projects the Rotary Club could work on in the future. The Meeting will be held at Glenn Arden on October 6<sup>th</sup> at 12:00 noon. The Supervisor said that Dr. Obremski called, and wanted the Board to discuss this, and provide some suggestions.

**2. DISCUSS CURRENT STATUS OF NEW YORK FARMS, LLC WITH THE APPLICANTS AND AGREE ON A PATH FORWARD FOR ITEMS INVOLVING THE TOWN BOARD:**

Mr. Mike Walker and Mr. Roger Mumford joined the Board for the discussion. Mr. Walker said he would like to outline the various things the Board had been talking about, and summarize where they are on a group of items. He said the first item is the easements, which they have talked about. He said over the last several weeks, he has met with Steve Esposito, Jim Sweeney and Pietrzak & Pfau Engineering & Surveying, PLLC to get all these things in order. He said they were taking comments from Engineer Dennis Lindsey and Kelly Naughton. He said he felt they were putting it all together in a form that would be acceptable to Mr. Lindsey and Ms. Naughton. He said Mr. Esposito was supposed to be sending them out today. Mr. Caplicki said he had not received it yet.

The second item is water, he said they sent their plan to the Orange County Health Department. He said these show their original system, once the water system is formed they will have to

revise these plans, and resubmit them back to the Health Department for their approval. He said they are all set once this is done.

Supervisor Bloomfield stated that the Board has been ready, and has put it on the agenda a number of times. He said he had hoped to have a Resolution creating the water district. He said there seems to be a disagreement in reference to the upfront payment.

Mr. Walker replied that going back through the files, he understood that when the sewer & water districts were set up, the payments would be made in three installments on the signing of map for phase I, the signing of the map for phase II and the phase III map. This was the first plan, he said, however, the Board wanted the funds in a lump sum, so they will be paid at the signing of the map for phase One.

Supervisor Bloomfield said the reason he is asking these questions, is that he really wants to get working on this I & I problem.

Mr. Walker said they are still negotiating with the Village for the sewer. The Village seems to think the negotiations are moving along toward an inter-municipal agreement.

Councilman Cappella stated the Board felt it was unfair of the Village to hold this project hostage because of the water/sewer problem the Board has with the Village. He said "you had nothing to do with what is going on, they committed to you way before the Board ever started talking about the districts, and that's the way it should have gone forward." "They should not use a subdivision as a way of trying to come up with a new compromise." "You are the future growth of the community."

Supervisor Bloomfield asked how soon the applicants would be obtaining the map, and they replied any day it might be ready, they are expediting everything as quickly as they can. Supervisor Bloomfield asked if they are planning on marketing the homes in the Spring. Mr. Walker replied yes. The Supervisor said that once the map was signed, and we get the funds, we want to get right to work on the infrastructure so that we will be ready, in a position to handle whatever is required. The Supervisor will put it on the agenda for Thursday's meeting in case it is ready.

Mr. Mumford said there was one last thing he wanted to discuss with the Board, the escrow fees. He said they just received another invoice from the Planning Board asking for an additional \$33,000 for escrow, making our total cost \$300,000 for this project. He said these fees are really excessive, and he knows that the previous consultant used up a large amount of these fees, but he has no argument with the person in that position now, Dennis Lindsey. He said he would strongly recommend the Board look at this and try to find a way, a per lot fee up front that a developer is responsible for, something along those lines, as these fees are excessive. He said he is absolutely horrified by these escrow fees.

Councilman Lyons asked how are other communities doing this? He said he does not think anyone in the Town is looking to gouge anyone, but we try to do our due diligence to make sure that everything is done correctly, what are these other communities doing? Mr. Walker said some put per lot fees for escrow. He said they had an issue with bog turtles, so they had their

professional do a bog turtle study. Mr. Walker stated that your Planning Board was not happy with the study, so we had to do a second study. He said our study was \$6,000.00, the Building Inspector came back to them with proposal figures of \$22,000, \$16,000 higher. He said our professional is an accepted State professional.

Councilman Cappella asked the applicants if this would happen in another town. The applicants replied no. Supervisor Bloomfield said what he has seen at the Planning Board meetings when he has attended, is what he calls churning, when professionals who are working for the applicants come before the Board without completed paper work, etc. and have to come back and come back, each time costing the applicant money.

Mr. Walker stated he did a subdivision in New Windsor, a 42 lot subdivision, and it cost him less than \$10,000.

Mr. Mumford stated it is not just the professionals causing the problem here, this project was started in 2004, and this is eight years later, the Planning Board is a very cumbersome process and takes too long. Supervisor Bloomfield stated that the New York State SEQRA takes a year, and just recently caused us to lose a large industrial park, it would have employed 1,200 jobs, it is being built in West Virginia, and is already taking applications for jobs.

Supervisor Bloomfield said the Board really wants to address this problem with the fees, and the time element with the Planning Board, so they will be working with them, and "may call you back to help."

Supervisor Bloomfield said he would put the easements and the transfer of property on Thursday's agenda.

### **3. REVIEW AND APPROVE A RESOLUTION TO ETTLE THE FOLLOWING TAX**

**CERTIORARIS:** Supervisor Bloomfield asked Attorney Caplicki to review the following: He said the one that the Board will be approving tonight is the Eastgate Corporate Park, LLC. He explained you need a Consent Judgment before a tax certiorari can be settled. He stated "we have the Consent Judgment for Eastgate Corporate Park, LLC, but we do not have the Consent Judgments for Matrock Equities, and Excelsior Holdings." These are all settled, he said, but he is waiting for the Consent Judgments for them. Attorney Caplicki said that Le blanc has reached an agreement, but has not been settled at this time.

Supervisor Bloomfield said the Resolutions for those two can be done when the Consents have been received, and tonight we can address Eastgate: Attorney Caplicki stated this has been unresolved for eight years, there are two parcels involved, and said the refunds are the Town's which is \$ 6, 874.00, the school's refund will be \$101,779.00, the Village \$38,266, the Fire District \$7,304.00 and the County \$19,637.00. Attorney Caplicki said the school has approved this, and these have to be taken off the calendar, and the Board has been actively trying to do this.

**TOWN OF GOSHEN  
RESOLUTION**

**Settling of Tax Certiorari Claims; Eastgate Corporate Park, LLC v. the Assessor,  
Board of Assessment Review of the Town of Goshen, Village of Goshen,  
Goshen Central School District, County of Orange**

**INTRODUCED BY:** Councilman Kenneth Newbold  
**SECONDED BY:** Councilman George Lyons  
**DATED:** September 19, 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 19<sup>th</sup> day of September, 2011;

**WHEREAS**, Eastgate Corporate Park, LLC has previously initiated against The Assessor, The Board of Assessment Review of the Town of Goshen, et al certain tax certiorari proceedings for assessment years 2003 through 2011 under Index Nos. 5003/03 et al; and

**WHEREAS**, it appears from the recommendation of the Town Assessor, the Town's Appraiser, and Dennis P. Caplicki, Esq., Counsel for the Town of Goshen in the aforesaid proceedings, subsequent to a thorough investigation of the claims that further proceedings and litigation would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the above matters as more fully set forth in the annexed proposed Consent Judgment is reasonable and in the best interest of the Town; and

**WHEREAS**, petitioner, Eastgate Corporate Park, LLC, is willing to settle these proceedings without interest, cost or disbursements, in the manner as set forth in the annexed Consent Judgment,

**RESOLVED**, that Dennis P. Caplicki, Esq., be and he is hereby designated as the pertinent Officer of the Town of Goshen who is so authorized to sign or execute any and all documents necessary to effectuate this resolution.

Upon Roll Call Vote:

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

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

**4. INFORMATION – WORK CONTINUES ON DEVELOPMENT OR THE 2012 BUDGET:**

Supervisor Bloomfield stated the following was just for the Board's information. He said he has had many meeting with Councilman Canterino, and the Budget officer, Bill Standish working on the 2012 budget, trying to get a better handle on the revenues and expenses.

The Supervisor and Councilman Canterino are going to Albany, to the New York Department of State on Wednesday to talk with them about various forms of savings, such as consolidation, etc. He said they are looking for any options they can use.

He stated he, Councilman Canterino, and Bill Standish are going to a class called "Tax Cap" seminar, to help them understand the new 2% tax cap.

The Supervisor also reported they attended a meeting with Comp Alliance regarding Workmen's Compensation. He said Councilman Lyons, Councilman Canterino, and he had met to discuss the high cost of Workmen's Comp, and were pleased to find that we have improved performance in our number of injuries. With 100% as standard, we are at 88%, therefore we will get a 12% reduction in our costs. He said that with that our Workmen's Comp is going up by 6.6%, a 14.2% increase for medical insurance, 3 1/2 % contract with the Police Department for next year, and corresponding benefits cost with it. He stated there is a 4.2% increase in contributions to the pension system. The Supervisor said with all of these increase, how are we going to stay at a 2% cap. He said after spending hours on this, this morning, "it is not a pretty picture, it is an ugly picture. The Supervisor said we are looking into everything, and will report back to the Board our findings.

Councilman Cappella stated he did like the way they are using this 2% cap. He stated that the Board has no control over Workmen's Comp, medical insurance, the pension system, etc., all of these going up double digits, where can we cut to keep the 2% cap except services to the taxpayers.

**5. DISCUSS STATUS OF DEFIBRILLATOR PURCHASE:** Supervisor Bloomfield asked Councilman Lyons to report on this. Councilman Lyons said he had been hoping to obtain a grant, and has contacted a number of places. He said he did not feel he was going to be able to find a grant. He said also after he did more work on this, he found that when you get the unit, there is a compartment that needs to be purchased to hold the defibrillator, and rules as to where it is placed. He said he is looking into the cost of the compartment, and exactly where it will be placed, he will report back to the Board.

Joel Markowitz asked about the #4 Storm Water Concern on the agenda for the Executive Session. Attorney Caplicki said he knew nothing about this and suggested it be left in Executive Session. There was a brief discussion and forwarded to the Executive Session.

With no further business Councilman Newbold made a Motion to adjourn the meeting and go into Executive Session, with intent not to return, to discuss:

1. The Status of Sewer Arbitration and Negotiation of a New IMA
2. CSEA Negotiations Status
3. Personnel Case – P. D. – Police Chief
4. Gail 7 Gary Stellato Storm Water Concern
5. Miscellaneous Strom Related/Claims.

The Motion was seconded by Councilman Lyons, voted on and carried 5 to 0.

Time: 8:25 P.M.

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VALMA EISMA, TOWN CLERK

