

TOWN OF GOSHEN
TOWN BOARD MEETING
September 22, 2011
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 22nd day of September, 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 7:32 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 Cappella: The recent storms have put a dent on black topping the roads that were designated for repairs. Even the people who were scheduled for reclamation jobs are busy with emergencies. The Senior Center rentals are down. Dial-A-Bus is doing great.

Councilman Newbold: The Water & Sewer Dept. has been busy with storm related damages. The personnel are working extra hours trying to keep up with repairs. As a result of the flooding, it's going to take a long time to catch up.

Councilman Lyons: Joint Recreation will begin Zumba Tuesday evening classes on 9/27 at the CJ Hooker Middle School old gymnasium. Drama Kids will also begin Tuesday evenings on 9/27. Children in grades 2-5 attend from 5:30pm-6:30pm and those in grades 6-8 attend 6:45pm-7:45pm. Adult Co-Ed Rec Volleyball will be held on Thursdays beginning 10/6 from 6:30pm-10pm at the CJ Hooker Middle School old gymnasium. The annual Halloween event is scheduled for Sunday October 23 at 1pm at Salesian Park. This will include an Anything Apple Bake Off (apple baking contest). The 5K Turkey Trot is scheduled for Saturday

11/19 at Craigville Park. A new group, "Friends Of Goshen Parks" meet once a month in the Village Hall. They are trying to raise money for the Parks.

In addition, Councilman Lyons is obtaining new quotes from insurance companies for workman's compensation. Secondly, he should be receiving an insurance quote (from our insurance company) for the 2012 Town general liability coverage. Just as a reminder; it is very important to accurately report water damage to the insurance company. Damage from flooding is not covered, but water damage from drainage or pipes is covered.

Councilman Canterino: The Town received a letter from the PBA Attorney *demanding* a meeting regarding Police Dept. staffing. The Town inquired as to the details of this meeting and is waiting for a reply. On another note, there have been many preliminary budget meetings. Trying to work within the 2% cap, the annual expenses have gone up such as: a 14% hike in medical ins. coverage and a 6.6 % hike in compensation. As with many of the Towns, Goshen is faced with a huge short fall in the budget.

Supervisor Bloomfield: Commended Tricia Sherlock and Kevin Armistead for their devotion and continued participation on the JRC Commission. He reported that on last Thursday a water line broke in Arcadia Hills. It was repaired by the end of the day. Supervisor Bloomfield reported on his trip to Albany, accompanied by Councilman Canterino, yesterday. They met with three State consultants. The discussion centered on the annual increases and 2% cap or CPI, whichever is lower. Medical Insurance has gone up 14.2% which will be around \$18,000 per year per employee. Police wages are up 3.5% adding on benefit packages. Workers comp is going up 6.6% of which the Town pays 88% of the premium, because we've had a good performance rating. Even retirement is going up 4.2%. This is the dilemma that the Town is facing for the 2012 budget. He feels that with cuts/changes the 2% can be met. However, "it's not a pretty picture". One example will be drastic cuts in the highway equipment and asphalt budget lines. When the financial problems of the Town were presented to those in Albany, the response was disappointing. The leadership that the Supervisor was looking for just wasn't there. In summary, we will try to be as fair and equitable to the citizens and the employees in trying to balance the budget. One thing that Supervisor Bloomfield had in agreement with the Governor and the Legislator was that "New York State is not Competitive." "Just go to other states and you'll find out how cost competitive they are."

Councilman Canterino noted that it *appears* that the State is cutting back in order to get the municipalities to merge, avoiding duplication of services. There are no facts for this, only speculation. Drastic steps need to be taken to alleviate some of the burden to the taxpayers. "It's a very difficult situation that we're facing, but we'll do the best we can."

Supervisor Bloomfield continued to illustrate how NYS is not competitive. For instance, earlier this year a large company came to the Town of Goshen looking to build a 1 ½ million square foot building which would have created 12 hundred jobs. When this company evaluated the cost of doing business in NYS, they left and went to West Virginia. One of the reasons is that NY workman's compensation is out of control. Someday the Legislators will realize this.

E. OLD BUSINESS:

1. Set Public Hearing For Request By James Dillin To Rezone The Kerr Property

This property is located on the easterly side of Hartley Road, north of the Heritage Trail and west of the Orange County Jail. It is currently located within the RU, Rural Zone and the CO, Commercial/Office Mixed-

Use Zone. Darlene Kerr is requesting the Town Board to consider rezoning the property to the I, Industrial Zone.

Councilman Cappella made the motion to set the public hearing for the request to rezone the Kerr property on Hartley Road for 7:30pm or soon there after on October 13, 2011. Councilman Newbold seconded the motion.

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

2. Review And Approve A Resolution To Settle The Matrock Equities Tax Certiorari

Matrock Equities has been settled. As of this time, the Attorney has not received the consent judgments and stipulations. This will be addressed at the next meeting.

3. Review And Approve A Resolution To Settle The Excelsior Holdings Tax Certiorari

Excelsior Holdings has been settled. As of this time, the Attorney has not received the consent judgments and stipulations. This will be addressed at the next meeting.

4. Review And Approve Resolution To Accept New York Farms, LLC Conservation Easement Proposal, Parcel A, And Property Transfer With Conservation Easement Parcel B

Attorney Caplicki is in the process of reviewing the documents which appear to be in order. They haven't been signed as of this meeting.

5. Review And Approve 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 in the process of reviewing the documents which appear to be in order. They haven't been signed as of this meeting.

Councilman Lyons wanted to clarify if the transfer of monies will be delivered at the signing of the map. The checks should be part of the process when the maps are signed, eliminating delayed payments.

6. Approval Of The Minutes

Councilman Canterino made the motion to approve the work session minutes of August 22nd and September 6th and the regular meeting of August 25, 2011. Councilman Cappella seconded the motion.

Discussion: Councilman Lyons made corrections as to the wording of Executive Sessions on the 22nd and on the 25th.

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

F. NEW BUSINESS:

1. Hartley Road Bridge & Coleman Road Culvert Repairs

The Town Board Members received a letter from Riddick Associates, P.C. detailing their findings from inspecting Hartley Road Bridge, Coleman Road culvert and an unnamed tributary to the Otter Kill. The three locations were compromised by the historic rainfall associated with hurricane Irene. Included with the damage assessments were repair summaries and photographs.

Repair Cost- [*"The FEMA estimate for the repair is \$371,411.03. The FEMA Public Assistance program provides supplemental reimbursement for the repair and restoration of infrastructure. Reimbursement is generally on a 75% Federal share, 25% non-Federal (local) share. The local share is typically split between New York State and the municipality. We have briefly discussed funding with Highway Superintendent Knoell and believe it may be possible for the Town to use force account labor and equipment (excavation, hauling, traffic control, etc.) to cover its 12.5% share."*]

Supervisor Bloomfield believes that the only option we have is to repair the damages.

Councilman Lyons asked for clarification of the billing cost and the FEMA application filing process. This will be discussed with the engineers.

G. FINANCE:

Councilman Canterino made the motion to authorize the Supervisor to pay A/P runs of 09/07-09/20/2011 amounting to \$152,612.62, and Accounts Payable Check run of 09/22/2011 amounting to \$272,570.78. Councilman Newbold seconded the motion.

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

H. PRIVILEGE OF THE FLOOR:

Kathleen Petrovics, Meadowbrook Lane: "I'm a taxpayer as are all my neighbors.". She understands the Town's position with the budget, monies and DPW. However, "every resident in this Town makes up the Town". She feels that the residents are secondary to the Town and that there are so many other important things to do. "We all deserve respect." She moved to this town for the reputation of being a good family town with nice people and a good education system. Now she is disillusioned with the treatment she has received regarding water damage to her property and to her neighbors property from the Hurricane. She has lost trust in this Town to get things done. Her fears of recurring water damage from flooding are prevalent as she addressed the Board Members.

Jerry Boss, Craigville Road: He acknowledged that Hartley Road is in need of repair. Mr. Boss recalled a conversation that he had with a past Supervisor about All Waste wanting the Town to contribute around \$80,000 to repair Hartley Road. This issue was met with a negative reception. He noted that many over weight haulers continuously travel on that road and are responsible for its present condition. "They (trash trucks) destroyed the road." He wondered if the over-weight haulers contributed to the damaged culvert, because of daily repeated travel. He also inquired about the amount of applications of Carter/Hauler licenses issued to each garbage truck that go into IWS. How much enforcement has been done by the Police Dept. for unlicensed carters?

Priscilla Gersbeck, Deputy Clerk who issues the licenses responded to the question. She stated that the Carter/Hauler licenses sold for 2011 totaled \$14,750.00, whereas the total for 2010 was \$15,849.94. The reason for the decline in sales was a result of two trucking companies dissolving their business and other companies downsized. The carters/haulers are very cooperative with the Clerk's office. When a truck is replaced or added on, a company representative will notify the Clerk of the change. I can't speak for the Police Dept., but I do know that they occasionally check the trucks for Licenses.

Mr. Boss feels that it would behoove the Police Dept. to every once in-a-while conduct a "fixed post" to monitor if trucks are in compliance with the law. He reminded the Board that there is a history of failed negotiations with IWS on certain levels of operations. Consequently, "over weight" repetitive users should be responsible for maintaining the road.

Joel Markowitz, Inquired as to the status between the Town and the Village regarding sewer negotiations. Attorney Caplicki replied that progress is being made towards a new IMA. A decision is close at hand, hopefully by mid-October.

He questioned the legalities of the Village draining onto a resident's property in the Town. Apparently a subdivision within the Village was built adjacent to a parcel in the Town. The runoff from this subdivision has been artificially directed, via pipeline, onto a Town resident's property. This issue is strictly between the home owner and the Village. Not only is it a Village water and sewage issue, but an environmental/health issue as well.

Attorney Caplicki stated "You cannot artificially divert water so as impact the neighboring property where it might do damage." If the parties can not resolve this problem it is called actionable, which is the basis for a legitimate lawsuit.

Jerry Boss, Wanted clarification about the correlation between the 2% tax cap and consolidation.

Response: The Legislatures realize that NYS is not competitive with other states for businesses. It *appears* that with the 2% tax cap will force the municipalities live within a certain amount and if not, then they must consider consolidation.

I. EXECUTIVE SESSION:

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

1. Discuss Status Of Sewer Arbitration And Negotiation Of A New IMA
2. Discuss Status Of CSEA Negotiations

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

ADJOURNMENT: 8:47 PM

Priscilla Gersbeck, Deputy Town Clerk