

TOWN OF GOSHEN  
TOWN BOARD WORK SESSION  
**October 11, 2011**  
MINUTES

A work session of the Town Board of the Town of Goshen was held on the 11th day of October, 2011 at Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present: Douglas Bloomfield Supervisor  
Louis Cappella Councilman  
George Lyons Councilman  
Kenneth Newbold Councilman

Absent: Philip Canterino Councilman

Also Present: Dennis Caplicki Attorney for the Town  
Priscilla Gersbeck Deputy Town Clerk

The meeting was called to order by Supervisor Bloomfield at 7:31pm, followed by the Pledge of Allegiance.

[The order of the agenda has been rearranged]

**1. TOWN POLICE CAR STRUCK A DEER ON HATFIELD LANE RESULTING IN DAMAGE TO THE CAR**

Supervisor Bloomfield reported that one of the police car's struck a deer on Hatfield Lane. This has been turned into the insurance company. We are waiting for a report from the Police Department.

**2. BOTH HAMBLETONIAN PARK SEWER LIFT STATION PUMPS HAD TO BE REPLACED AT A COST OF \$35,000 DUE TO A CATASTROPHIC FAILURE OF PUMP NO. 2 AND A BEARING FAILURE IN PUMP NO. 1. TO REPAIR THE OLD PUMPS WOULD HAVE COST \$20,000 WITH A LEAD TIME OF 8 WEEKS TO REPAIR PUMP NO. 2.**

Highway Superintendent Broderick Knoell notified the Town that the catastrophic failure of No. 2 sewer lift station pump was because the main housing cracked and had a hole in it. It was doubtful if repairing the pump would last. To order a replacement pump would take about 8 weeks. At the same time the bearings in pump No. 1 were on the verge of freezing up. TAM was called in to evaluate the situation. Each time a pump has been pulled out and repaired the cost was around \$10,000. It was determined to purchase two new "state-of-the-art" pumps through TAM for \$35,000.

Councilman Newbold and Councilman Cappella stated that both pumps were promptly installed and running satisfactorily.

**3. THE CHIEF OF POLICE IS OUT ON INDEFINITE LEAVE DUE TO ILLNESS**

As a point of information, Police Chief Dennis Marsh is out on an indefinite leave due to illness. We wish him well.

**4. DISCUSS A REQUEST BY NU III, LLC FOR A ZONING MAP CHANGE OF 9.74 ACRE PARCEL, TAX MAP 12-1-47**

Steve Esposito, representing NU III, LLC, presented the Board Members with a packet requesting a zoning map amendment to tax map 12-1-47 from RU to HC. The parcel is 9.74 acres located at the westerly intersection of NYS Route 17M and Gate Schoolhouse Road. Currently 5 ½ acres of this site (along Route 17M) is zoned HC and 4 acres (along Gate Schoolhouse Rd.) are zoned RU. Unifying this parcel into one HC zone would allow for a higher rate of commercial uses, eliminate a 100 ft. setback within the parcel and would satisfy some of the bulk requirements for this oddly shaped lot.

After a lengthy discussion, the consensus of the Board was to classify this application as a zoning change instead of a zoning map amendment. This will require a Petition from the applicant, a public hearing and comments from the ERB and Planning Board.

**5. DISCUSS AND AUTHORIZE THE SUPERVISOR TO HIRE NUGENT & HAEUSSLER TO AUDIT THE POLICE DEPARTMENT’S RECORDS AND PROCEDURES**

Supervisor Bloomfield explained that earlier this year the Town had an audit of the courts. We were found to be out of compliance, because no one ever looked at it. By contrast the departments within the Town Hall are audited yearly. Being that the Police Chief is out on leave indefinitely, it would be an appropriate time to audit the Police Department. This is to ensure that the next person coming in to be Chief of Police has a good starting point. Supervisor Bloomfield stated that “it’s not that I expect anything to be wrong, but I want to make sure that we are doing the best we can.”

Councilman Newbold made the motion to authorize the Supervisor to hire Nugent & Haeussler to audit the Police Department’s records and procedures. Councilman Cappella seconded the motion.

Discussion:

Councilman Lyons inquired as to what this audit will cost the Town. Response, the audit of the courts was quite extensive costing around \$2,500. Perhaps this one will be closer to \$1,500. The audit will cover general record keeping such as how the pay is administered, time cards, personal days, sick days, comp time, arrest records, tickets, etc.

Councilman Lyons was concerned that possibly the police officers will believe the audit to be adversarial. He has concerns about how things are run procedurally. “It appears to be out of control.”

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Cappella, Lyons, Newbold  
0 NAYS  
1 ABSENT

**6. TOWN TOWING LIST**

Attorney Caplicki explained that there have been a number of complaints from the citizens and from various towing companies regarding the composition/and or utilization of the Town towing list. The list should include any individual or corporation which is qualified and/or licensed to engage in the towing business within the regulations. The individual or entity should be rotated on a single event basis. However, an individual and/or entity should not abuse the towing list policy by duplication or the creation of multiple corporate entities. For example: if X company is called then X company will send a tow truck. The next call goes to the next one on the list. If Y Company is

called then Y Company will send a truck. The problem is when Y Company is called and they send X Company tow truck. Attorney Caplicki has sent a letter to the Police Dept. to enforce the towing list policy and not to reward duplication or the creation of multiple corporate entities. When police respond to an accident they will give the involved parties an opportunity to select whoever they want. If they don't have a specific tow company to call, then one will be accessed off the list. Furthermore, Police Officers are *obligated* to inform the involved parties of cost per tow, storage charges, impound rates etc. In brief, the Town is not responsible for the costs, therefore disclosure and information is essential.

**7. SET THE PUBLIC HEARING DATE OF NOVEMBER 10, 2011 FOR 2012 BUDGET**

Councilman Newbold made the motion to set the Public Hearing on November 10, 2011 at 7:30PM or soon thereafter at the Town Hall, 41 Webster Avenue to discuss the proposed 2012 budget for the Town of Goshen. Councilman Lyons seconded the motion.

On a Voice Vote, the motion passed: 4 AYES Bloomfield, Cappella, Lyons, Newbold  
 0 NAYS  
 1 ABSENT

**8. POLICE INTERNSHIP REQUEST**

Assemblywoman Annie Rabbitt's representative delivered an internship application from Keith Slesinski. Keith is enrolled in the University at Albany pursuing a Bachelor's Degree in Criminal Justice. He is requesting an unpaid internship with the Town Police Department to fulfill part of his requirements.

Supervisor Bloomfield felt that since the Chief of Police is out on extended leave, it is probably inappropriate to allow Keith internship training at this time. The Supervisor suggested to the representative to contact the Village of Goshen Police Dept. He will call Assemblywoman's Annie Rabbitt's office tomorrow to see the outcome of this proposal. If the Village turns down the proposal, the Board will review Keith's request.

**9. DISCUSS THE TENTATIVE 2012 BUDGET**

Supervisor Bloomfield stated that this year NYS introduced a 2% tax levy cap law for the next five years pertaining to all school systems and municipalities in NYS. This law was put in place because: (a) NYS property taxes are 78% above the national average-NYS is not competitive (b) NYS pays more to educate each student than any other state. Nevertheless, NYS ranks #37 in the quality of education.

Bill Standish, Budget Officer, reviewed the preliminary budget for 2012. The tentative budget was reviewed on September 30, 2011. At that time the Tentative Budget tax *levy* for the Town was 14.95% and 25.01% for the Village. The Preliminary Budget is at 2.00% tax *levy* for both the Town and Village. Mr. Standish presentation as follows:

<u>Revenue:</u>		<u>Delta</u>
<u>Fund A</u>	Mortgage Tax	
<u>Village</u>	275,000 to 275,000	0
 <u>Fund A</u>	 Court Fines	
<u>Village</u>	325,000 to 275,000	-50,000

<u>Fund B</u>	Sales Tax	
<u>Town</u>	1,000,000 to 900,000	-100,000

<u>Fund B</u>	Franchise Fees	
<u>Town</u>	240,000 to 50,000	-190,000

**Projected 2011 Yr-End Fund Balances:**

<u>Fund A</u>	
<u>Village</u>	0

<u>Fund B</u>	
<u>Town</u>	338,000

**Projected 2011 Yr-End Contingency Balances:**

<u>Fund A</u>	
<u>Village</u>	0

<u>Fund B</u>	
<u>Town</u>	0

**Cost Reductions Required For Village Levy**

		<b>Delta</b>
Reduce Town Hall Maintenance	35,000 to 10,000	-25,000
Reduce Highway Garage Maintenance	25,000 to 5,000	-20,000
Reduce Humane Society	15,000 to 10,000	-5,000
Reduce GOVAC	20,000 to 10,000	-10,000
Reduce Highway Equipment	128,000 to 28,000	-100,000
Reduce Contingency Fund A	150,000 to 110,000	-40,000
Reduce Legal Expenditures	86,000 to 50,000	-36,000
Reduce Hospitalization Insurance	430,500 to 415,500	-15,000
Reduce Wages (Non-Police)	1,117,000 to 893,000	<u>-224,000</u>
	Village Reduction	-475,000

**Cost Reductions Required For Town Levy**

		<b>Delta</b>
Reduce Police Expenditures	1,001,000 to 801,000	-200,000
Increase Road Maintenance Program	300,000 to 335,000	+35,000 $\Delta$ asphalt
Contingency Fund DB –Same	170,000 to 170,000	0
Reduce Non-Police Wages	710,000 to 568,000	<u>-142,000</u>
	Total	-377,000

**Two Major Impacts To Be Negotiated:**

CSEA -152,000 plus Non-Union -180,000	-332,000
PBA	-200,000

Supervisor Bloomfield noted that several months ago Macy's wanted to build a 1 ½ million square foot building near the New Hampton Psychiatric Center called the Echo Lake Industrial Park. This would have created around 1,200 jobs. Macy's turned down the location, because of the high cost of doing business in NYS. Finally Macy's decided to locate in Berkley County, West Virginia. This was a great loss to our Town. NYS has got to start to become competitive.

Councilman Lyons stated that the JRC Budget is looking for \$90,000 from the Village and \$90,000 from the Town. JRC will probably receive \$70,000 from the Town. "They have a bare-bones budget". He also noted that with the local municipalities cutting back could create an unsafe environment. The cuts could jeopardize road safety or safety in the parks by trimming too much of the budget. It's ashame that higher forms of government don't have to abide by the 2% tax cap.

## **EXECUTIVE SESSION**

Councilman Lyons made the motion to enter into Executive Session to discuss the following:

1. Discuss Proposed Settlement Of The Village/Town Sewer Dispute Arbitration And A Potential New Intermunicipal Agreement
2. Update Current Status Between The Town of Goshen and CSEA Unit 7926
3. Discuss P.D. Personnel Issue – Police Chief
4. Update Current Status Of Tax Certiorari:
  1. RIYA
  2. Goshen Corp/Meinwald
  3. Woodland Estates
  4. IWA
  5. Matrock
  6. Excelsior
  7. Eastgate
5. Update Current Status Of Town/Turi Certiorari Appeal
6. Discuss 2% Tax Cap

with the intent to potentially return. The motion was seconded by Councilman Newbold. Motion carried.

Time: 8:54PM

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Priscilla Gersbeck, Deputy Town Clerk