

TOWN OF GOSHEN
TOWN BOARD MEETING

October 28, 2010
MINUTES

A regular meeting of the Town Board of the Town of Goshen was held on the 28th day of October, 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
	Louis Cappella	Councilman
	George Lyons	Councilman
	Kenneth Newbold	Councilman

Absent:	Phil Canterino	Councilman
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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 7:38 pm, followed by the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA

C. PRIVILEGE OF THE FLOOR (agenda items only)

No Response

D. REPORTS:

Councilman Cappella reported that Jessup Switch Road is completed. We are waiting to see how much money is left over for the seal coat. He announced that on November 13 there will be a holiday arts & craft fair at the Senior Center. Featuring arts, crafts, services and food products all by local vendors. Also the Senior Citizen luncheon will be on November 18. For more information, contact Ellen Teatum.

Councilman Newbold had nothing new to report at this time.

Councilman Lyons reported that the annual Halloween party took place on Sunday October 24 at Craigville Park. Approximately 600 people were in attendance. He read a list of the organizations that contributed to

this event and thanked them for their generosity. He also thanked the many volunteers who helped to make this a successful and safe event. There will be a Turkey Trot and a 1K Tot Trot on Saturday November 20 at 11:00am at Craigville Park. The Chicken Chuck will also be held on this date. Registration is on line at www.goshenrecreation.org. Prizes will be awarded to the top finishers. There will be a trip to the Christmas Spectacular show in NYC. This is scheduled for Wednesday December 8th. Tickets are \$35.00 each on a first come first serve basis. Buses will depart from the Orange County Government Center at 2:00pm for the 5:00pm show.

Ground breaking for the restroom project at Salesian Park is scheduled for next week. Also at Salesian Park the fennels are undergoing restoration and should be completed within the next two weeks. The restoration work is warranted for five years. Dead trees at Salesian Park and Craigville Park were removed for safety purposes.

Councilman Lyons and Supervisor Bloomfield had a meeting today with Loren Pratt, representative of the NYS Municipal Workers Compensation Alliance. Workers Compensation in NYS and in other states is in total disarray. Even though the Town has had little to no injuries over the past two years, our assessment is going to go up around 20%. The Town has TALE claims, which are claims that happened prior to the Town joining the Compensation Alliance. We are paying claims out-of-pocket and the costs are incredible. This was the best cost saving alternative.

Supervisor Bloomfield reported that the Town is close to finishing the budget for 2011. He is perturbed over the fact that NYS Workmen's Compensation system is "so broken" that the Town has had fewer injuries and great performance in the last five or six years and our cost will still go up around 20%. We have absolutely *no* say in the matter and the majority of that money is an assessment by the Workmen's Compensation Commission. We are hoping that the reality of our increase will only be up by 15%. There are other municipalities which have had injuries that will go up around 40%. "I don't think that anybody in the State of New York would like it". "The only people who can fix this are in Albany".

On another note, the Town of Goshen has a small piece of land along the Moodna Creek. Therefore, the Town has joined, along with 12 other municipalities, an Inter-Municipal Council. This is not a decision making body, but for communications on behalf of good environmental accountability.

In conclusion, he mentioned that Frances Turi has passed on. She was involved in many groups and will be greatly missed.

E. OLD BUSINESS:

1. Resolution To Extend A & L Subdivision's Exemption Requirements Of Section 5 Of Town Of Goshen Local Law No. 4 Of 2009 For Phase II Of Subdivision

Attorney Caplicki reviewed the two phases of this subdivision. He explained that what we are reviewing involves a two-tier system. Basically, 18 months from the Local Law passage – *all* exemptions expire regardless of time period unless extensions are granted. Unless the exemptions are extended, the time-clock runs to the end of the exemption period and it could be caught up with the overall "sunset provision" that all of them were to expire by 18 months. This involves two steps, conditional final and final without conditions which complicates the original extensions. The Board Members were not aware of the "sunset provision" during their discussion at Monday's meeting. This complicated preconceived considerations for granting the extension. After much dialogue between the representatives of A & L Acres and the Board Members, it was decided to pass the following Resolution:

**TOWN OF GOSHEN
RESOLUTION**

**EXTENSION OF EXEMPTION PURSUANT TO SECTION 5 OF LOCAL LAW NO. 4 OF 2009 WITH
RESPECT TO A & L ACRES, LLC SUBDIVISION APPLICATION (SECTION 13, BLOCK 1, LOT 34.2)**

INTRODUCED BY: Councilman Lyons
SECONDED BY: Councilman Cappella
DATED: October 28, 2010

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 October, 2010;

WHEREAS, A & L Acres, LLC applied for a subdivision of property located within the Town of Goshen and received conditional final approval therefore with respect to Phase I, consisting of twenty (20) lots, on January 17, 2008; subsequently, the Applicant re-applied for conditional preliminary approval and was granted conditional preliminary approval for the entire project on August 20, 2009, filed with the Town Clerk on October 5, 2009; and subsequently received conditional final approval for Phase I, twenty (20) lots, on August 20, 2009, filed with the Town Clerk on October 5, 2009; and Phase II consisting of nine (9) lots not having received conditional final approval; and

WHEREAS, the Applicant has petitioned the Town Board of the Town of Goshen for an extension of time within which to obtain conditional final approval with respect to Phase II of the project; and

WHEREAS, the Applicant has petitioned the Town Board of the Town of Goshen for an extension of time within which to obtain final approval without conditions with respect to Phases I and II of the project; and

WHEREAS, the Applicant has demonstrated that it has pursued the application with due diligence and complied with almost all conditions imposed by the Planning Board of the Town of Goshen with respect to said application, and the Applicant is proceeding with the development of Phase I, consisting of twenty (20) lots;

NOW, THEREFORE, BE IT RESOLVED, that A & L Acres, LLC be granted a nine (9) month extension of time to July 28, 2011 from the requirements of Section 5 of Local Law No. 4 of 2009 to obtain conditional final approval with respect to Phase II of the project.

BE IT FURTHER RESOLVED, that A & L Acres, LLC be granted an extension of time to July 28, 2011 from the requirements of Section 5 of Local Law No. 4 of 2009 to obtain final approval with respect to Phase I of the project.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>Aye</u>	Councilperson, Philip Canterino	<u>Absent</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 4 to 0.

2. Resolution To Extend Traskus Subdivision's Exemption Requirements Of Section 5 Of Town Of Goshen Local Law No. 4 Of 2009

This application is similar to the previous one in that it has the distinguishing time lines of approval status as in Phase II of A & L Acres. The Resolution as follows:

**TOWN OF GOSHEN
RESOLUTION**

Extension of Exemption Pursuant to Section 5 of Local Law No. 4 of 2009 with Respect to Traskus Subdivision Application (Section 18, Block 1, Lot 8.22)

INTRODUCED BY: Councilman Cappella
SECONDED BY: Councilman Lyons
DATED: October 28, 2010

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 October, 2010;

WHEREAS, Traskus applied for a subdivision of property located within the Town of Goshen and received conditional preliminary approval therefore on May 17, 2007; subsequently, during the time period the applicant was working towards final approval of the project, it was determined that the Northern Cricket Frog may have a presence on the property and further environmental studies might be required, and

WHEREAS, in order to complete any necessary studies of the Northern Cricket Frog with respect to the premises, the Applicant petitioned the Town Board for an extension of time within which to obtain conditional final approval with respect to the project and was granted such extension until October 28, 2010; and

WHEREAS, the Applicant has made every attempt to study and complete its work and analysis with respect to the Northern Cricket Frog and the Applicant now requests a further extension of nine (9) months from the requirements of Section 5 of the Town of Goshen Local Law No. 4 of 2009 so as to obtain conditional final approval of the project,

NOW, THEREFORE, BE IT RESOLVED, that Traskus be granted a nine (9) month extension of time to July 28, 2011 from the requirements of Section 5 of the Town of Goshen Local Law No. 4 of 2009 so as to obtain conditional final approval of the project with respect to the project.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>Aye</u>	Councilperson, Philip Canterino	<u>Absent</u>
Councilperson, Louis Cappella	<u>Aye</u>	Councilperson, Kenneth Newbold	<u>No</u>
Councilperson, George Lyons	<u>Aye</u>		

Vote: Resolution carried by a vote of 3 to 1.

3. Resolution To Extend Zalunski Subdivision's Exemption Requirements Of Section 5 Of Town Of Goshen Local Law No. 4 Of 2009

This subdivision request for extensions covers Phase I, II and III of the Zalunski subdivision. The Resolution as follows:

**TOWN OF GOSHEN
RESOLUTION**

Extension of Exemption Pursuant to Section 5 of Local Law No. 4 of 2009 with Respect to Zalunski Subdivision Application (Section 20, Block 1, Lot 8)

INTRODUCED BY: Councilman Newbold

SECONDED BY: Councilman Lyons

DATED: October 28, 2010

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 October, 2010;

WHEREAS, Zalunski applied for a subdivision of property located within the Town of Goshen and received conditional final approval therefore for Phase I (7 lots) on January 7, 2010; Phase II consisting of five (5) lots and Phase III consisting of six (6) lots each having previously received preliminary approval, and

WHEREAS, the Applicant has petitioned the Town Board for an extension of time within which to obtain conditional final approval with respect to Phases II, III of the project; and

WHEREAS, the Applicant has demonstrated that it has pursued the application with due diligence and is proceeding with project,

NOW, THEREFORE, BE IT RESOLVED, that Zalunski be granted a nine (9) month extension of time to July 28, 2011 from the requirements of Section 5 of the Town of Goshen Local Law No. 4 of 2009 so as to obtain conditional final approval with respect to Phase II, III of the project.

BE IT FURTHER RESOLVED, that Zalunski be granted a nine (9) month extension of time from October 28, 2010 to July 28, 2011 from the requirements of Section 5 of Local Law No. 4 of 2009 to obtain final approval with respect to Phase I of the project.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>Aye</u>	Councilperson, Philip Canterino	<u>Absent</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 4 to 0.

4. Resolution To Appoint The Goshen Town Board As Lead Agency For A SEQRA Review In Regard To Timber Trail, LLC Request For A Special Use Permit To Build A PAC

The Public Hearing for a Special Use Permit for Timber Trail is closed. The Town Board is looking to designate itself as lead agency in the SEQRA process classifying the project as a Type I action. Resolution as follows:

**TOWN OF GOSHEN
RESOLUTION**

**NOTICE OF LEAD AGENCY DESIGNATION – TIMBER TRAIL, LLC
APPLICATION FOR SPECIAL PERMIT**

INTRODUCED BY: Councilman Newbold
SECONDED BY: Councilman Lyons
DATED: October 28, 2010

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 October, 2010;

WHEREAS, Timber Trail, LLC has applied to the Town of Goshen for a Special Use Permit for a Planned Adult Community (PAC) on two (2) parcels located along New York State Route 207 near the boundary with the Town of Hamptonburgh, in the Town of Goshen, Orange County, New York; and

WHEREAS, according to the provisions of 6 NYCRR Part 617.7, the Town Board of the Town of Goshen intends to declare its intent to be Lead Agency for the purposes of review and action on the aforementioned project; and

WHEREAS, the application constitutes a Type I Action under SEQRA; and

WHEREAS, the anticipated impacts of the action being considered are primarily of local significance,

NOW, THEREFORE, BE IT RESOLVED, that:

1. The Town Board of the Town of Goshen is Lead Agency with respect to this action which is declared to be a Type 1 Action for SEQRA purposes.

2. A copy of the annexed Notice of Intent for Designation of Lead Agency is hereby adopted and same shall be mailed by the Town Clerk, Town of Goshen to the recipients listed in "3" in said notice by October 29, 2010 and if there is no response to this Resolution and Lead Agency Designation within thirty (30) days of such mailing, acquiescence to the designation shall be deemed.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>Aye</u>	Councilperson, Philip Canterino	<u>Absent</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 4 to 0.

**TOWN OF GOSHEN TOWN BOARD
NOTICE OF INTENT FOR DESIGNATION OF LEAD AGENCY**

The Town Board of the Town of Goshen, in accordance with Article 8 of the State Environmental Conservation Law, gives Notice as follows:

1. The Town Board has received an application from Timber Trail, LLC for the granting of a special permit for a Planned Adult Community ("PAC") on two parcels located along New York State Route 207, near the boundary with the Town of Hamptonburgh, in the Town of Goshen, Orange County, New York. The PAC is proposed to contain 163 dwelling units on 122.43 acres.

2. The Town Board has made the following findings:

- (a) The proposed action is subject to the State Environmental Quality Review Act.
- (b) The action involves one or more other agencies.
- (c) The action is classified as Type I action pursuant to 6 NYCRR Part 617.
- (d) Coordinated review of the action is appropriate.

3. The Town Board of the Town of Goshen shall be designated as Lead Agency if no objection to such Lead Agency status is received by the Board from any other involved agency within thirty calendar days of mailing this notice to such agencies. All involved and interested agencies are as follows:

- (a) Town of Goshen Planning Board
Town Hall – 41 Webster Avenue
Goshen, New York 10924
- (b) New York State Dept. of Transportation
SEQRA Unit-Traffic Engineering & Safety Div.
4 Burnett Blvd
Poughkeepsie, New York 12603
- (c) Town of Goshen Environmental Review Board
Town Hall – 41 Webster Avenue
Goshen, NY 10924
- (d) Town of Hamptonburgh Town Board
Town Hall – 18 Bull Road
Campbell Hall, New York 10916
- (e) Town of Hamptonburgh Planning Board
Town Hall – 18 Bull Road
Campbell Hall, New York 10916
- (f) Town of Hamptonburgh Highway Department
Town Hall – 18 Bull Road
Campbell Hall, New York 10916
- (g) New York State Dept. of Environmental Conservation
Division of Environmental Permits, Region 3
21 South Putt Corners Road
New Paltz, New York 12561
- (h) New York State Department of Transportation
32-33 Route 6
Middletown, New York
- (i) Orange County Department of Health
124 Main Street
Goshen, New York 10924

- (j) Orange County Planning Department
124 Main Street
Goshen, New York 10924
- (k) New York State Department of Agriculture & Markets
10-B Airline Drive
Albany, New York 12235
- (l) New York State Office of Parks, Recreation and Historic Preservation
Post Office Box 189, Peebles Island
Waterford, New York 12188

Dated: October 28, 2010
Town of Goshen Town Board, Douglas Bloomfield, Supervisor

LEAD AGENCY DETERMINATION

TOWN of GOSHEN TOWN BOARD
TOWN of GOSHEN
ORANGE COUNTY

In the matter of: *Timber Trail, LLC, special permit application for a Planned Adult Community ("PAC"), Along New York State Route 207, Town of Goshen, Orange County, New York, Tax Map Numbers 2-1-20.4 and 22*

Response to Request that Town of Goshen Town Board Serve as Lead Agency

On behalf of _____, I acknowledge receipt of the Lead Agency Notice in this matter, which was mailed on October 29, 2010.

The above named involved agency hereby: (Please check one)

() **CONSENTS** that the Town of Goshen Town Board serve as Lead Agency in this application and requests that the undersigned continue to be notified on filings and hearings in this matter.

() **DOES NOT CONSENT** to the Town of Goshen Town Board serving as Lead Agency in this application and proposes that _____ serve as Lead Agency. To contest Lead Agency designation, the undersigned intends to follow the procedures outlined in 6 NYCRR 617.6(5).

DATED: _____

SIGNATURE:

Return To: Douglas Bloomfield, Supervisor, Town of Goshen Town Board, Town Hall - 41 Webster Avenue,
Goshen, New York 10924

5. Resolution To Appoint The Goshen Town Board As Lead Agency For SEQRA Review In Regard To Orange And Rockland Utilities, Inc. Request For A Special Use Permit To Build An Electric Substation

This application is before the Town Board for a Special Use Permit. The Public Hearing is still open. The Town Board is looking to designate itself as lead agency in the SEQRA process classified as an Unlisted action. Resolution as follows:

**TOWN OF GOSHEN
RESOLUTION**

**NOTICE OF LEAD AGENCY DESIGNATION – ORANGE & ROCKLAND UTILITIES, INC.
APPLICATION FOR SPECIAL PERMIT**

INTRODUCED BY: Councilman Newbold
SECONDED BY: Councilman Lyons
DATED: October 28, 2010

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 October, 2010;

WHEREAS, Orange & Rockland Utilities, Inc. has applied to the Town of Goshen for a Special Use Permit to build an electric distribution substation on a parcel of real property located in the Town of Goshen, Orange County, New York and known on the Tax Maps as Section 12, Block 1, Lot 1.7; said property consists of approximately 48.7 +/- acres and is located within the RU Zoning District; and

WHEREAS, according to the provisions of 6 NYCRR Part 617.7, the Town Board of the Town of Goshen intends to declare its intent to be Lead Agency for the purposes of review and action on the aforementioned project; and

WHEREAS, the application constitutes an Unlisted Action under SEQRA; and

WHEREAS, the anticipated impacts of the action being considered are primarily of local significance,

NOW, THEREFORE, BE IT RESOLVED, that:

1. The Town Board of the Town of Goshen is Lead Agency with respect to this action which is declared to be an Unlisted Action for SEQRA purposes.
2. A copy of the annexed Notice of Intent for Designation of Lead Agency is hereby adopted and same shall be mailed by the Town Clerk, Town of Goshen to the recipients listed in "3" in said notice by October 29, 2010 and if there is no response to this Resolution and Lead Agency Designation within thirty (30) days of such mailing, acquiescence to the designation shall be deemed.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>Aye</u>	Councilperson, Philip Canterino	<u>Absent</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 4 to 0.

**TOWN OF GOSHEN TOWN BOARD
NOTICE OF INTENT FOR DESIGNATION OF LEAD AGENCY**

Please take notice that, according to the provisions of 6 NYCRR Part 617.7, the Town of Goshen Town Board has declared its intent to be Lead Agency for the purposes of review of and action on the project named below. If within thirty (30) calendar days from the date of mailing this notification no involved agency submits a written objection to the Town of Goshen Town Board, the Town of Goshen Town Board shall act as lead agency and shall follow the provisions of 6 NYCRR Part 617.7 governing determination of significance of the proposed action.

Contact Person/Address: Douglas Bloomfield, Supervisor
Town of Goshen
Town Hall – 41 Webster Avenue
Goshen, New York 10924

Name of Project: Orange & Rockland Utilities, Inc. Electric Distribution Substation
Location: Hartley Road
Tax Map Parcel: Section 12, Block 1, Lot 1.7, Town of Goshen, County of Orange

SEQRA Status: Unlisted, coordinated

Project Description: The Applicant, Orange & Rockland Utilities, Inc. proposes to build an electric distribution substation on property located within the Town of Goshen as known on the Tax Map thereof as Section 12, Block 1, Lot 1.7; said property consisting of approximately 48.7 +/- acres and located on Hartley Road within the RU Zoning District.

Date of Action: October 28, 2010

Date of Mailing: October 29, 2010

Involved Agencies:

- (a) Town of Goshen Planning Board
Town Hall – 41 Webster Avenue
Goshen, New York 10924
- (b) New York State Dept. of Transportation
SEQRA Unit-Traffic Engineering & Safety Div.
4 Burnett Blvd
Poughkeepsie, New York 12603
- (c) Town of Goshen Environmental Review Board
Town Hall – 41 Webster Avenue
Goshen, NY 10924
- (d) Town of Wallkill Town Board
Town Hall – 99 Tower Drive
Middletown, New York 10941
- (e) Town of Wallkill Planning Board
Town Hall – 99 Tower Drive
Middletown, New York 10941

- (f) Town of Wawayanda Town Board
Town Hall – 80 Ridgebury Hill Road
Slate Hill, New York 10973
- (g) Town of Wawayanda Planning Board
Town Hall – 80 Ridgebury Hill Road
Slate Hill, New York 10973
- (h) New York State Dept. of Environmental Conservation
Division of Environmental Permits, Region 3
21 South Putt Corners Road
New Paltz, New York 12561
- (i) New York State Department of Transportation
32-33 Route 6
Middletown, New York
- (j) Orange County Department of Health
124 Main Street
Goshen, New York 10924
- (k) Orange County Planning Department
124 Main Street
Goshen, New York 10924
- (l) New York State Department of Agriculture & Markets
10-B Airline Drive
Albany, New York 12235
- (m) New York State Office of Parks, Recreation and Historic Preservation
Post Office Box 189, Peebles Island
Waterford, New York 12188

Interested Agencies/Parties:

- (a) Orange County Planning Department
124 Main Street
Goshen, New York 10924
- (b) Richard B. Golden, Esq.
PO Box 216 – 30 Matthews Street
Goshen, New York 10924
- (c) Dennis P. Caplicki, Esq.
PO Box 940
Goshen, New York 10924
- (d) Neal Halloran, Building Inspector
Town of Goshen
Town Hall – 41 Webster Avenue
Goshen, New York 10924

(e) Alan S. Lipman, Esq.
1 Harriman Square
Goshen, New York 10924

LEAD AGENCY DETERMINATION

TOWN of GOSHEN TOWN BOARD
TOWN of GOSHEN
ORANGE COUNTY

In the matter of: *Orange & Rockland Utilities, Inc., special permit application to build an electric utility substation in the Town of Goshen, Orange County, New York, Tax Map Number 12-1-1.7*

Response to Request that Town of Goshen Town Board Serve as Lead Agency

On behalf of _____, I acknowledge receipt of the Lead Agency Notice in this matter, which was mailed on October 29, 2010.

The above named involved agency hereby: (Please check one)

() **CONSENTS** that the Town of Goshen Town Board serve as Lead Agency in this application and requests that the undersigned continue to be notified on filings and hearings in this matter.

() **DOES NOT CONSENT** to the Town of Goshen Town Board serving as Lead Agency in this application and proposes that _____ serve as Lead Agency. To contest Lead Agency designation, the undersigned intends to follow the procedures outlined in 6 NYCRR 617.6(5).

DATED: _____ **SIGNATURE:** _____

Return To: Douglas Bloomfield, Supervisor, Town of Goshen Town Board, Town Hall,
41 Webster Avenue, Goshen, New York 10924

F. NEW BUSINESS:

1. Resolution To Hire Molinas Realty As An Appraiser For Section 4, Block 1, Lot 59 & 66 In Preparation For A Tax Certiorari

Attorney Caplicki stated that this petitioner has commenced preparation of their appraisal which requires the Town to accerlate its' time line. This property is known as the Allerton House tax lot #4-1-59 & 4-1-66 [165 Hasbrouck Road & 175 Hasbrouck Road]. In order to comply with the court's schedule, the Town has to commission/retain an appraiser to convert the original appraisal work to a trial appraisal. This does not necessarily mean that this will take place. It is a legal requirement. Resolution as follows:

**TOWN OF GOSHEN
RESOLUTION**

Retaining Molinas Realty Inc. for Purposes of Preparing an Appraisal with Respect to Real Property; Section 4, Block 1, Lot 59, Section 4, Block 1, Lot 66

INTRODUCED BY: Councilman George Lyons

SECONDED BY: Councilman Louis Cappella

DATED: October 28, 2010

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 October, 2010;

WHEREAS, the owners of certain real property located in the Town of Goshen known on the Tax Maps thereof as Section 4, Block 1, Lot 59 and Section 4, Block 1, Lot 66 have filed petitions to review the tax assessment(s) with respect to said properties; and

WHEREAS, the Town of Goshen in order to defend the assessment(s) on the aforementioned properties and the litigation initiated by the owner/petitioner it is necessary to retain the services of a professional appraisal service; and

WHEREAS, Molinas Realty Inc. has proposed to complete the necessary appraisal work with respect to the referenced real property parcels for tax years 2003, 2004, 2006 through 2010 as set forth in the proposal annexed hereto; and

WHEREAS, the Town of Goshen wishes to retain said Molinas Realty Inc. for purposes of preparing said appraisal work,

NOW, THEREFORE BE IT RESOLVED, that Molinas Realty Inc. is hereby retained for the purpose of appraising real property known on the Tax Maps of the Town of the Town of Goshen as Section 4, Block 1, Lot 59 and Section 4, Block 1, Lot 66 for the years 2003, 2004, 2006 through 2010; at the rates and cost all as more particularly set forth in Schedule A annexed hereto.

Upon Roll Call Vote:

Supervisor, Douglas Bloomfield	<u>AYE</u>	Councilperson, Philip Canterino	<u>ABSENT</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 4 to 0.

2. Appoint Susan Cleaver Alternate Appointee To The Moodna Creek Intermunicipal Council For The Town Of Goshen

Susan Cleaver is knowledgeable in water/watershed issues and has been involved since the beginning of this study. The Board Members are confident that she is more than qualified for this position.

Supervisor Bloomfield made the motion to appoint Susan Cleaver as the alternate representing the Town Of Goshen to the Moodna Creek Intermunicipal Council. Councilman Newbold seconded the motion.

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

3. Request Supervisor To Hire A Consultant To Develop A “Confined Workplace Entry” And “Workplace Violence Prevention” Program Per NYS Law

Supervisor Bloomfield stated that the PESCH Inspector has requested that (according to State Law) the Town of Goshen initiate a Workplace Violence Prevention program with training and a Confined Workplace Entry program with training. The programs had to be done by November 8. Consequently we applied for a 90 day extension.

Councilman Cappella made the motion to authorize Supervisor Bloomfield to hire a consultant to develop a Confined Workplace Entry Program and a Workplace Violence Prevention Program per the NYS Law. Councilman Newbold seconded the motion.

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

4. Approve Resolution Of Results From Bidding On DPW Surplus Equipment And Authorize Acceptance Of Bids Recommended By The Superintendent Of Highways

The Superintendent of Highways put out to bid surplus equipment. Items 1-6 reflect the results of the bids. Upon the recommendation of the Superintendent, two of the bids were accepted and two were denied. Two items received no bids. Resolution as follows:

**TOWN OF GOSHEN
RESOLUTION
Acceptance of Bids – Surplus Property**

INTRODUCED BY: Councilman Louis Cappella

SECONDED BY: Councilman George Lyons

DATED: October 28, 2010

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 October, 2010

WHEREAS, the Town of Goshen Highway Department presently owns certain equipment which was the subject of a Resolution of Designation of Surplus Property and Procedures for Sale dated and adopted September 16, 2010 by the Town Board of the Town of Goshen; and

WHEREAS, subsequent to noticing the aforementioned items of equipment for public sale the Town of Goshen received bids with respect to said items of equipment and/or in certain instances did not receive bids for said items of equipment; and

WHEREAS, that the Town Board of the Town of Goshen does hereby accept and/or reject the submitted bid(s) for the items of equipment as follows:

1. 1994 Chevy Kodiak, VIN # 1GBP7H1JXSJ100222; bid in the amount of \$4,120 from Virtual Repair Center Inc. is accepted.
2. 1989 International S2574, VIN # 1HTZMGHR1KH669361; bid rejected.
3. 1990 International S2574, VIN # 1HTGBNJR2MH305187; bid rejected.
4. 6 FT Alamo Sickle Bar Mower; no bid received.
5. (1) 8 ft. x 32 in.; (3) 9 ft. x 36 in. Split Stone Chip Boxes for Dump Bodies; no bid received.
6. 2002 Ford Crown Victoria, VIN # 2FAFP71W13X106017; bid in the amount \$309 from Vincent DeStafeno accepted.

NOW, THEREFORE, BE IT RESOLVED, that the aforementioned bid(s) be acted upon by the pertinent Town of Goshen Official(s) as set forth.

Upon Recall Vote:

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

Vote: Resolution passed/carried by a vote of 4 to 0

5. The Office Of The State Comptroller Has Selected The Town Of Goshen Justice Court For An Audit. Discuss Initial Conference Meeting.

This is for information only. A letter was received from the Office Of The State Comptroller stating that the Town of Goshen Justice Court was selected for an audit. The audit will focus on an evaluation of internal controls. The audit will primarily cover the last completed fiscal year and up to the start of the audit. The entrance conference will be held on November 4 at 2:00pm. Several employees from the Town Hall will be in attendance.

6. Proposal For Actuarial Services/GASB#45, Danziger & Markhoff LLP, Post-Employment Benefits For Retirees

This is required by the NYS Government Accounting Standards Board (GASB) to put a value on post-employment benefits for retirees by an actuary. This is in preparation for the Town's yearly audit report. Councilman Newbold made the motion the authorize Supervisor Bloomfield to hire Danziger & Markhoff LLP consulting company for this service. Councilman Lyons seconded the motion.

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

G. FINANCE

Councilman Newbold made the motion to authorize the Supervisor to pay manual A/P check runs for October 21, 2010 amounting to \$8,104.42 and accounts payable check run for October 21, 2010 amounting to \$51,298.78. Councilman Lyons seconded the motion.

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

H. PRIVILEGE OF THE FLOOR:

Jerry Boss, stated the different governmental agencies who are charging for services by making them mandatory - are trying to “justify their existence at our expense”. Supervisor Bloomfield defended PESCH in that they have downsized from five inspectors to one. Also safety is good business. It prevents lawsuits. As with the Workmen’s Compensation Commission, who are raising our assessment around 20%, they spend money and bill us in our premiums. We have no control over unfunded mandates. On Al Turi, what is the status now? Attorney Caplicki responded that we received an adverse ruling from Judge Ritter in regards to the tax certiorari. We are now in a 14 day time period whereas the petitioner can submit proposed findings, judgment and order on notice to all parties to resolve the case. The litigation is on-going in terms of coming to a final decision, resolution, possible appeals etc.

Joel Markowitz, inquired if a letter was sent to the Dept. of Transportation from the Town. This is to support County Executive Ed Diana and Assemblywoman Annie Rabbitt’s request for the DOT to restore funds to study the widening of Route 17M. The Town will look into this.

Mr. Markowitz wanted to know the status of the Village & Town dispute over sewer fees. Judge Slobod rendered a decision for both parties to proceed to arbitration. An arbitrator has to be picked in 45 days. If a decision cannot be reached, then the court will pick an arbitrator to settle the dispute.

I. EXECUTIVE SESSION:

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

1. HERITAGE ESTATES - NEGOTIATIONS TO CREATE WATER AND SEWER DISTRICTS AND/OR SEWER TRANSPORTATION COMPANY
2. TAX CERTIORARI REVIEW
3. AL TURI LANDFILL LITIGATION
4. ARBITRATION OF SEWER DISPUTE WITH VILLAGE

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

J. ADJOURNMENT

The public meeting concluded at 9:15PM.

Priscilla Gersbeck, Deputy Town Clerk

