

TOWN OF GOSHEN
COMBINED TOWN BOARD WORK SESSION
AND REGULAR MEETING

November 10, 2011

MINUTES

A combined Work Session and Regular Meeting of the Town Board of the Town of Goshen was held on the 10th day of November, 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 7:30 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. OLD BUSINESS

A. PUBLIC HEARINGS:

1. Continue Public Hearing for Zoning change Requested by James Dillin for Section 12, Block 1, Lot 2.3 from RU-CO to Industrial

Councilman Lyons made the motion to open the public hearing for a request by James Dillin to rezone a tax map parcel Section 12, Block 1, Lot 2.3 from RU and CO zone to Industrial. Councilman Canterino seconded the motion.

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

Supervisor Bloomfield called for comments from the public.

Donna Allen, Cheechunk Road, distributed a letter to the Board Members for the record. [Letter is on file in the Clerk's Office] Since tomorrow is Veterans Day, Ms. Allen opened with a "thank you" to those Veterans who have served our country. She researched the Town's Zoning Code covering Land Use and Overlay Districts. In her findings, she outlined § 97-8 Establishment of Districts and § 97-18 General Provisions, both of which she feels will be compromised with the proposed zoning change.

In her letter she presented several questions for the environmental review process. (1) *According to the paperwork filed by the petitioner, the property was in the I (Industrial) Zone until it was changed in 2004 to the existing mixed zoning which is now RU (Rural) Zone (60%) and CO (Commercial/Office Mixed Use) Zone (40%). What was the reason for that change?* Additionally, according to §97-14 HC,CO and I Districts the requirement for minimum road frontage is 200 feet. She believes this lot frontage is far less than the requirement.

2) *In § 97-58 Solid Waste management Facilities and Industrial Uses: C states, amongst other things, that composting facilities shall be located at least 1,000 feet from any residence not owned or leased by the owner or operator of the composting facility.* Her question is how many feet will the proposed facility be located from the nearest residence? She referenced that similar proposals were presented before the Town Board in October of 2001 and in March 2005 where residents voiced many objections and the proposals failed to materialize.

(3) *In §97-50 Environmental Performance Standards, F states "no land use shall be permitted which emits any discernable obnoxious odor outside the lot". How will odor be stopped from entering my property?*

(4) *How is the Town of Goshen prepared to deal with a fire at a mulch-compost facility?* She cited that a study was done of 42 mulch-producing facilities distributed within the United States. In response, 32 of the sites experienced a fire. Therefore, her concern is appropriate. Ms. Allen was advised by Adrienne Esposito from the Citizens Campaign for the Environment of the possibility of ground water contamination caused by these types of facilities.

"I realize I am getting ahead of myself. At this time, the board is merely considering changing the zoning on a parcel of land in the town. However, I do not believe this decision should not be made lightly as it would affect the quality of life of the residents in the area." "I would have to disagree with anyone who believes that changing the zoning on this parcel to Industrial would be good use of this property."

Ms. Allen inquired (5) *I would like to know if, and how, the NOTICE OF PENDENCY against the subject parcel, (as published in the Chronicle newspaper, under Public Notices, page 34, dated November 4, 2011), will effect the request for rezoning or the sale of the property?"*

Attorney Caplicki responded that this was probably a County Tax publication of those parcels which did not pay taxes. This will have no effect on the application presently for the zone change until if/when title actually changes hands. At that time the new owner can either pursue or withdraw the application. Attorney Caplicki clarified that along with the zoning change the applicant indicated a projected use of the property as a compost business; a zone change and a special use permit will be required at the Town Board level. Also a site plan at the Planning Board level and possibly environmental studies between the two Boards.

Bruce Wiegand, Owens Road, When he purchased his home he checked the zoning that surrounds his property. He had expectations of what type of businesses would be allowed in the area. However, Industrial was not one of them. He emphasized that this proposed zoning change is adjacent to the Heritage Trail, farms and many homes. "If we start changing the zoning in properties when people have bought property around it, it greatly affects us."

Kathy Strong, Cheechunk Road, For generations, since 1812, the Strong family has lived on Cheechunk Road. They have seen many changes and is very concerned about changing the zoning again. She has the same concerns as those who have spoken.

Supervisor Bloomfield called for comments from the Board Members.

Councilman Newbold doesn't want to act on this application until he researches the code in relation to the road frontage requirement. Years ago, there was another site with a similar operation that was in violation of our existing code. He doesn't want to see a repeat of that. He referenced a letter submitted by Holly O'Hern pertaining not only to what could be leaching into the ground, but as to the quality of the water presently underground. If pollutants are in the ground, how will the pollutants mix in from the mulching operation? What will be the result?

Supervisor Bloomfield asked for guidance on this application.

Attorney Caplicki replied that procedurally the Town should designate itself as lead agency for the SEQRA review.

Supervisor Bloomfield called for a motion to close the public hearing.

Councilman Lyons responded to keep the public hearing open. There are a lot of things brought up at this meeting that merit further research. He also wanted to know if this application has gone to the County.

Response: it has, but we haven't received correspondence as of this meeting.

Councilman Cappella made the motion to keep the public hearing open for the request by James Dillin to rezone a tax map parcel Section 12, Block 1, Lot 2.3 from RU and CO zone to Industrial. Councilman Canterino seconded the motion.

Discussion: Councilman Canterino asked if written comments will still be accepted. Response: Yes and make it known. At this point, the questions proposed by the public will be answered as this process continues.

At this point a resolution was proposed as follows:

**TOWN OF GOSHEN
RESOLUTION**

SEQRA Determinations/Kerr Zoning Change Application

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman Philip Canterino

DATED: November 10, 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 10th day of November, 2011;

WHEREAS, Darlene Kerr has submitted an application to the Town Board of the Town of Goshen requesting that real property known as Section 12 Block 1 Lot 2.3 and owned by Kerr be re-zoned from RU/CO District(s) to Industrial (I) District for use as a compost facility; and

WHEREAS, the Town Board of the Town of Goshen referred the application to the Orange County Planning Department for comment and held a public hearing on the zone change request which was continued on November 10, 2011; and

WHEREAS, the State Environmental Quality Review Act (SEQRA) requires that Lead Agency with respect to the application be established and the application typed and it be determined what, if any, environmental studies may be required in analyzing and reviewing the application,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Goshen does hereby designate itself as Lead Agency with respect to the Kerr zoning change application; type the action as a Type I under SEQRA and requires of the applicant a full environmental assessment form.

Discussion: Attorney Caplicki clarified the Resolution detailing the above language.

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.

Further Comments:

Mr. Dillin wanted clarification as to how to respond to the public. In doing the full EAF two issues need to be addressed: one of the zoning change and the other of the mulching operation.

Supervisor Bloomfield requested that a letter received from Holly O'Hern on November 7, 2011 to become part of the record.

2. Conduct Public Hearing: Local Law #2 of 2011 "Tax Levy Limit" Giving Authority to the Goshen Town Board to over ride the NYS 2% Tax Levy Cap Law

Councilman Newbold made the motion to open the public hearing to give authority to the Goshen Town Board to over ride the NYS 2% Tax Levy Cap Law. Councilman Lyons seconded the motion.

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

Supervisor Bloomfield called for comments from the public. None.

Councilman Lyons made the motion to close the public hearing. Newbold seconded the motion.

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

3. Resolution With Respect to Local Law #2 of 2011

Attorney Caplicki explained that Resolutions are traditionally written in the affirmative. Therefore, if the Board Members vote AYE they will be approving to violate the 2% Tax Levy Cap. If the vote is a NAY, the Town will be within the 2% Tax Cap Levy for 2012.

TOWN OF GOSHEN RESOLUTION

Adoption of Local Law No. 2 of 2011; Override of Property Tax Cap; General Municipal Law, Section 3-c

INTRODUCED BY: Councilman Louis Cappella

SECONDED BY: Councilman Kenneth Newbold

DATED: November 10, 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 10th day of November, 2011;

WHEREAS, the Town Board of the Town of Goshen is required to adopt a budget for the fiscal year commencing January 1, 2012; and

WHEREAS, the amount of real property taxes that may be levied by the Town of Goshen has been limited by state law; and

WHEREAS, the Town Board of the Town of Goshen has proposed for adoption Local Law No. 2 of 2011 which upon passage by a vote of 60% of the Board would authorize the town to override the property tax cap legislation,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Goshen does hereby adopt Local Law No. 2 of 2011 so as to override the limit on the amount of real property taxes that may be levied by the Town of Goshen pursuant to General Municipal Law Section 3-c so as to enable the Town of Goshen to exceed the 2% tax levy limit as defined by General Municipal Law Section 3-c.

Discussion:

Councilman Canterino believes that people are trying to live within their means and we should stay within the 2%. It is our duty to help the taxpayers.

Councilman Cappella stated that we are doing this to protect ourselves in case we couldn't come up within the 2% tax levy cap. The State is passing onto the Town raises in pensions etc. giving us the reason to do this.

Councilman Lyons agreed with Councilman Cappella. There was supposed to be mandate relief from a number of different people/entities. The fact is that this will not happen.

Supervisor Bloomfield feels that it is important for the public to know that New Yorkers pay 78% above the national average for property taxes. Large companies turn away from locating here, because it is too expensive. We are not competitive as a State.

Upon Roll Call Vote:

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

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

4. Conduct Public Hearing on the Preliminary Budget for 2012

Councilman Canterino made the motion to open the public hearing on the Preliminary Budget for 2012. Councilman Lyons seconded the motion.

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

Supervisor Bloomfield thanked *each* Board Member, Dept. Heads, Representatives of the PBA and CSEA for their assistance and guidance in putting together the 2012 Budget.

Supervisor Bloomfield presented to the public his review of the 2012 Budget for the Town of Goshen.

Financial Planning Goals

- Financial stability – weather the economic storm.
- Protect jobs
- Protect services
- Achieve the NYS 2% tax levy cap

Budget Planning Strategies

- 1) Utilize 5 year strategic plan since 2006
- 2) Involve all department heads and union leaders early in the process
- 3) Solicit/share ideas with other municipalities
- 4) Seek NYS expertise/assistance
- 5) Participate in NYS tax levy cap training

5 Year Strategic Plan

- Buy used equipment
- Pay cash – no borrowing – reduce debit
- Develop and improve functioning capability of our organization
- Focus on continuous cost reduction
- Settle tax certiorari (will resolve about 90% of them by the end of the year)
- Property re-valuation
- JEDI (formed with the Village to develop commercial properties)

Budget Process

2011 and Before

$$\text{Standard Sources of Tax Revenue} + \text{Property Tax Revenue} = \text{Expenses}$$

- Sales
- Mortgage
- Fines
- Franchise Fees
- Grants

Fixed

Knob1
[had control]

Knob 2
[had control]

Budget Process
2012 and Beyond (2016)

$$\text{Standard Sources of Tax Revenue} + \text{Property Tax Revenue Plus Calculated 2\% Tax Levy Cap} = \text{Expenses}$$

- Sales
- Mortgage

Fines
Franchise Fees
Grants

Fixed

Fixed

Knob 1
[have control]

	<u>Assessable Base</u>	(All of the property value in the Town of Goshen)
<u>2011</u>	<u>2012</u>	<u>% Change</u>
941,015,674	933,238,394	-.0083% (Home values decreasing)

Revenues For 2012

Mortgage Tax (down 65%)	250,000
Sales Tax (10% reduction)	900,000
Court Fines & Fees (down 16%)	275,000
Franchise Fees	50,000
Grants	0
Property Tax	<u>4,585,702</u>
TOTAL	6,060,702 to budget with

Cumulative Mortgage Tax Loss

Actual (\$ M)

<u>2006</u>	→→→→→→→→→→	<u>2011</u>	<u>2012</u>
701		256	250

Cumulative impact: 2006 through 2012 = -\$2,038 lost

Sales Tax Loss

<u>2011</u>	→→→→→→→→→→	<u>2012</u>
1,000		900

Abnormal Costs To Be Managed For 2012

Major Increases

1) NYS Pension Costs		
Police	+70%	+ 86,000
Non-Police	+45%	+ 73,000
2) Hospitalization/Medical Insurance		
Individual	+6.5%	+ 5,000

Family	+6.5%	+ 34,000
3) NYS Worker's Compensation Insurance	+3.5%	+ 11,000
4) Existing Police Dept. Contract	+3.5%	+ 25,000
5) Fuel & Asphalt/Stone	+15%	+ 27,000

Cost Reductions For 2012

- 1) Wages/Salaries – zero increase for all employees except police who are in last year of contract
- 2) Reduction of workforce
 - 4 part time employees
 - 2 full time employees (retired/left)
- 3) Full time to part-time
 - Police Chief
 - clerical employee
- 4) Debt payment (\$353,000) cash as we go
- 5) Sundry reductions (line items)

TOTAL \$682,714 cost reductions

Budget Comparison

<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
\$ 6,721,034	\$7,290,994	\$7,427,192	\$7,401,431	\$7,485,089	\$6,988,553
				Change/Yr.	▼ \$ 496,536 less than 2011

Town of Goshen Budget Debt History

	<u>12/31/2006</u>	→→→→→→→→	<u>12/31/2012</u>
Operations	\$ 3,076,999		\$ 1,315,950
PDR	\$ 1,511,923		\$ 2,269,500
Total Debt	\$ 4,588,922		\$ 3,585,450
Debt Payment	\$ 677,492	▼	\$ 352,760

Reduction
\$324,732 or 48%

Overall Tax Levy
1.988% (Under the 2%)

Tax levy increase for home with a \$300,000 fair market value

Village only
\$51

Town-wide
\$19

In conclusion, Supervisor Bloomfield stated: "we're going to need mandate relief from Albany." Albany is telling us to be at 2%, at the same time gave us a 70% increase. "That's not reasonable and it has to stop."

Supervisor Bloomfield called for comments from the public.

Jerry Boss questioned if there will be a conflict with Civil Service as the Police Chief's position is cut to part time. Response: the Labor Attorney advised us that it was okay to proceed and the details will be worked out. He also suggested ways to restructure the current Police Dept. to prevent over-expenditures.

Gertrude Szyferblatt pressed for the details surrounding the position of the part-time Police Chief. Response: Now that the Budget has been completed, the Town will work on the details for this position which begins January 1, 2012. Councilman Canterino explained that monies had to be taken out of each department to balance the budget. The police *services were not reduced* nor were Police Officers positions eliminated. Councilman Cappella noted that the Town *has never* contemplated cutting services in the Police Dept. There are the same amount of patrols and cars since 2005.

Jasper Fields (inaudible) spoke of the Town and Village combining services. Response: It was a feeling that Supervisor Bloomfield and Councilman Canterino got when they were in Albany, that there is a strong possibility of combining government services of the village and town municipalities in the near future.

Supervisor Bloomfield explained that all of the Police Officers including the two Sergeants have jobs for 2012. They are the ones who provide services to the citizens. The Chief and the secretary are support employees. According to our Labor Attorney, it was an appropriate action to restructure the Chief's position and the secretary's position. "We've got to think differently going forward".

Dan Matteo inquired if the Firemen's budget was included in the Town's. Response: No, this is strictly the Town Budget. The Town collects the budget that the Fire Departments approve. We have no say in their budget process. We believe they have conformed to the 2% tax levy cap.

Gertrude Szyferblatt questioned certain line items in the Police Budget Pages 18 & 19 in the Preliminary Budget. Response: This was submitted by the Police Chief and the PBA Union Rep.

With no further comments from the Public, the following Resolution was presented.

5. Resolution to Adopt the 2012 Budget

[Town of Goshen Budget for 2012 is in the Clerk's office for viewing]

**TOWN OF GOSHEN
RESOLUTION**

Adoption of Preliminary Budget; 2012

INTRODUCED BY: Councilman Philip Canterino

SECONDED BY: Councilman George Lyons

DATED: November 10, 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 10th day of November, 2011;

WHEREAS, the Town Board of the Town of Goshen has prepared and submitted for analysis, public hearing and modification and/or approval a preliminary budget for fiscal 2012 (copy of preliminary budget annexed hereto as Exhibit A); and

WHEREAS, the aforementioned preliminary budget (Exhibit A annexed) does not violate the limit on the amount of real property taxes that may be levied by the Town of Goshen pursuant to General Municipal Law Section 3-c; and

WHEREAS, the Town Board of the Town of Goshen wishes to adopt said preliminary budget in its entirety and without modification (Exhibit A hereto); and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Goshen does hereby adopt the preliminary budget as proposed without modification for the fiscal 2012; Exhibit A annexed.

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.

Further Comments from the Board Members.

Councilman Newbold, This is his thirteenth budget. However, this budget has been the most difficult one, emotionally for him. Letting some people go---"this budget hurts". Working on the Budget, "we are down to bare bones". Bill Standish has done a phenomenal job. In thanking Bill, he praised him for his patience in revising the budget many times.

Councilman Cappella, "This was a very tough budget". "We (Town) run a tight ship, we wouldn't be buying used equipment if we didn't run a tight ship". The Town has to honor its responsibilities. We have to offset the State retirement benefits. "Something went wrong in the State". With the high percentage increases in those benefits, it seems that the State has lost money somewhere/somewhat. It upsets him that we have to

lay off employees and cut back to part-time, because people in Albany aren't doing their job right. The Town lost 2 million dollars in mortgage tax in the last 4 years. That's a lot of money to make up within our Budget. We are suffering in pain from the State government and the Federal government. "This was very, very hard. And I challenge the State and the Federal Government to do the damn job that we have done this year, because they need to do it."

Supervisor Bloomfield, Again he thanked everyone involved who helped put the budget together. If we didn't do this 2% tax... can you imagine the decimated farmers and the seniors on fixed incomes....people who can just barely hold on....are we going to tax them more this year. There is \$280,132.93 of unpaid water and sewer bills. "The financial health of our community is weaning an we've got to find better, easier, smarter ways of doing it."

Councilman Canterino, Stated that this process started in 2006, because we saw what changes in economics was bringing. The Town did not borrow "one penny" from 2006 to now. Furthermore, our debt reduction is down by \$300,000 which enables us to put that money into other areas of the budget. Our Municipality is probably in the best shape of the 21 municipalities in Orange County. "We are probably the most solvent." He commended the Board for taking the hard road, the high road and everyone is feeling the pain.

Councilman Lyons pointed out that there is actually a decrease in the budget. With the increase in contracts and inflation factors, this is amazing. He has been approached, on the street, by people voicing opinions about too much government, wondering if consolidation would benefit them. Perhaps, with the 2% tax levy and the severe economic conditions there might be some reform of the consolidation laws. There is too much government. New York State is out of control. Maybe something very productive will come out of this (economic conditions).

6. Resolution to Relevy Property 2012 Unpaid Water and Sewer Charges

Supervisor Bloomfield summarized the following Resolution. There are 4 water districts and 2 sewer districts totaling about 500 families. The total of unpaid water and sewer bills is \$280,132.93. "If that doesn't speak loudly to the financial condition of our Community, I don't know what does."

TOWN OF GOSHEN RESOLUTION

RELEVY OF UNPAID WATER AND SEWER CHARGES

BE IT RESOLVED that the following charges for water and/or sewer service remaining unpaid as of the date of this resolution be relevied upon the 2012 real property tax rolls:

Levy of Unpaid Utilities

NAME	DISTRICT	AMOUNT
Hambletonian Park	District 1 Water	\$18,634.37
	District 1 Sewer	\$46,666.86
	<i>Subtotal</i>	\$65,301.23
Arcadia Hills	District 2 Water	\$61,773.34
	District 2 Sewer	\$131,183.85
	<i>Subtotal</i>	\$192,957.19
Stone Hedge	District 3 Water	\$4,649.07
Scotchtown	District 4 Water	\$6,137.05
TOTAL LEVY OF UNPAID UTILITIES FOR 2011		\$269,044.54

Levy of Meter Installation

Hambletonian Park	District 1 Water	\$4,334.55
Arcadia Hills	District 2 Water	\$6,753.84
TOTAL LEVY OF METER INSTALLATION 2011		\$11,088.39

Total of Unpays and Meters	\$280,132.93
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On a motion by Councilman Newbold, seconded by Councilman Lyons, the resolution was adopted on a vote of 5 Ayes, 0 Nays.

The Supervisor declared this resolution adopted

Discussion: Appropriate charges will be applied to the designated homeowner's property tax.
[Detailed Document is in the Clerk's office for viewing]

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>		

On a motion by Councilman Newbold, seconded by Councilman Lyons, the resolution was adopted on a vote of 5 Ayes 0 Nays.

The Supervisor declared this resolution adopted.

Dated 11/10/11

E. NEW BUSINESS

1. Review Request by Goshen Little League to Waive Building Permit Fee Associated with Installation of a Scoreboard at Craigville Park.

Councilman Lyons explained that the Goshen Little League is requesting to install a new scoreboard at one of the baseball fields at Craigville Park. The scoreboard and labor are being donated. The scoreboard is solar powered. The JRC is requesting that the permit application of \$105.00 be waived, as this improvement to the Park is being made at no additional cost to the JRC or Town taxpayers.

Councilman Lyons made the motion for the permit application fee of \$105.00 to be waived. Councilman Canterino seconded the motion.

Discussion: Councilman Newbold inquired if this scoreboard was going to have a sponsor's name on it.

Response: Councilman Lyons wasn't quite sure. Middletown Honda is donating the scoreboard. Councilman Newbold reminded him that the Code specifies no sponsors on scoreboards.

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

Supervisor Bloomfield asked Councilman Lyons to inform the JRC that the scoreboard is to have no advertising on it.

Councilman Lyons *suspects* that Middletown Honda might put something on it. However there are many signs on the Little League Field. In addition, there is a Pepsi or Coke advertisement displayed. With continuous protest against advertisements, signs reappear year after year. The JRC is not concerned about putting advertisements out there for donations.

In response, Councilman Newbold wanted to know who is running the show. The JRC takes the taxpayer's money and they shouldn't be running the show. You can't violate a Charter that has been set up by our predecessors.

Councilman Lyons reminded everyone that “we are living in tough times”. The JRC is not going to *purchase* a new scoreboard at the park. There are many parks in the County that display advertisements. If a company is willing to put up a solar scoreboard, he is not so sure that a company isn’t able to advertise.

Councilman Canterino mentioned that in the past someone else wanted to do the same thing. We did not allow them to do it, but we offered to put up a plaque of recognition. We can’t discriminate. Would this open us up to litigation?

Councilman Cappella said that there is a Charter within the JRC. Perhaps the Little League should come before the Village and the Town requesting a change to the Charter. Then submit the proper requests. We have to represent the Code/Charter. We can’t go against policy. “If you want to do this, let’s change it (Charter) and then we are all the same.”

Councilman Lyons remembered this topic coming up in the past and “the language that would prohibit things like this was never found. “You have to pick your battles and this is not a battle to pick. If Middletown Honda wants to put a little sign on there, because they donated this nice scoreboard,””Go ahead and do it.”

Councilman Canterino has issues with the selection process of potential advertisers. Given the opportunity to advertise, you would get many car companies, real estate firms, large company etc. offering sponsorship of some kind or another.

After much discussion and difference of opinions, Supervisor Bloomfield suggested that we invite the JRC leadership to come before the Board on December 5, 2011 at 7:30PM.

2. Resolution to Authorize Highway Superintendent to Sign a Contract with New York Comm. Company, Inc. for a New Five Year Equipment Lease at \$1,276.00 a Month

We have a contract with New York Communications Company, Inc. leasing digital equipment for communications in our Highway Department. The total will be negotiated at 5% less than \$1,276.00 per month for five years.

Councilman Cappella made the motion to authorize the Highway Superintendent to sign a Contract with New York Communications Company, Inc. for a new five year equipment lease agreement. Councilman Lyons seconded the motion.

Discussion:

Attorney Caplicki doesn’t have a frame of reference and was looking for more information.

Councilman Canterino wants to know what the legal description of this document is. It seems that the presented lease is actually a form of a rental agreement. A municipal lease is either a dollar buy-back or a buy-back figure. A real lease is a buy-back figure. A rental agreement is just a rental agreement.

Supervisor Bloomfield explained that the present equipment is analog and needs to be changed to digital using towers as opposed to open space. We need this upgrade if we get a snow storm. This equipment belongs to the company. At the end of the contract we swap it out. This indicates a rental agreement not a lease agreement. Before we sign this, it has to state rental as opposed to lease.

Councilman Cappella amended the original motion to include changing the word *lease* to *rental* agreement. Councilman Lyons seconded the amendment.

**TOWN OF GOSHEN
RESOLUTION**

**Approval of Rental Agreement;
Town of Goshen with New York Communications Company, Inc.**

INTRODUCED BY: Councilman Louis Cappella

SECONDED BY: Councilman George Lyons

DATED: November 10, 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 10th day of November, 2011;

WHEREAS, the Town Board of the Town of Goshen has previously approved a rental agreement between the Town and New York Communications Company, Inc. with respect to Motorola radio equipment; and

WHEREAS, New York Communications Company, Inc. has proposed that the aforementioned rental agreement be modified so as to increase the quality and technology provided to the Town under said agreement; and

WHEREAS, the Town of Goshen wishes to authorize the Supervisor to sign any and all documents necessary to put in effect the modified rental agreement encompassing upgraded technology and equipment from New York Communications Company, Inc. to the Town,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Goshen does hereby authorize the Supervisor to sign any and all documents to effectuate the foregoing and does hereby authorize the Supervisor to sign the annexed rental agreement; New York Communications Company, Inc. with Town of Goshen for the rental of Motorola radio equipment.

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.

F. FINANCE:

Councilman Newbold made the motion to authorize the Supervisor to pay Manual A/P runs of 11/01/11 amounting to \$4,511.80 and Accounts Payable Check Run for 11/03/11 amounting to \$113,855.12. Councilman Lyons seconded the motion.

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

[On another note]

Councilman Newbold made reference to the recent Farm Aide weekend activities for the farmers who were devastated by the floods from Hurricane Irene and Tropical Storm Lee. "I was never so proud of my neighbors

in the Town and Village of Goshen.” He commended *all* of the volunteers and the supporters for their involvement in rallying together this Community to raise money for those in need. “I take my hat off to you.”

G. PRIVILEGE OF THE FLOOR:

Jerry Boss, recollected that the park scoreboard situation is not new to this Board. A few years ago, a similar proposition was voted down, because of the proximity to the VFW Cemetery. He travels past the Park daily and notices banners along the fences. One of them belongs to the Village Mayor. He doesn't understand this. The JRC receives \$70,000 in funding from the Town. Therefore, who is running the show? Councilman Lyons clarified that the Town Board, including himself, has made it known to the JRC that those signs should not be there as per the Charter.

Mr. Boss announced that this is the 236th Anniversary of the U.S. Marine Corp. A ceremony will be held tomorrow, at 10:30am. Sadly, Attorney Al Lipman lost his wife yesterday in an automobile accident. Our condolences go out to him and his family.

Dan Matteo, (inaudible) Inquired about the fire district regarding their procedure of taxing the residents. He also congratulated the election winners.

Gertrude Szyferblatt, She requested information about the court audit. (inaudible)

She also inquired about protecting jobs and alternatives to lost jobs. (inaudible)

In what departments have employees been cut? Why does it seem that the Police Dept. is exceptionally targeted? (no back-filling) (most of this is inaudible)

Councilman Cappella stated that we did not cut police patrolmen nor the amount of shifts and amount of cars since 2005. Occasionally, there are more cars on day shift than allotted for.

Joel Markowitz, Congratulated the elected officials.

He wanted to know the status of the IMA and arbitration with the Village.

Response: We are close to a settlement. This will be further discussed in our Executive Session

H. EXECUTIVE SESSION:

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

1. Review Potential Settlement of Village/Town Sewer Arbitration and Proposed Intermunicipal Agreement
2. Status Review of CSEA Negotiations
3. Chief of Police Status
4. Notice of Claim: Conant vs Town of Goshen
5. Status Up-date on Tax Certiorari

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

ADJOURNMENT: 9:40 PM

Priscilla Gersbeck, Deputy Town Clerk