

A Regular Meeting of the Town Board of the Town of Goshen was held on the 13th day of September, 2007 at 7:30 at the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

PRESENT:

Douglas Bloomfield	Supervisor	George Lyons	Councilman
Kenneth Newbold	Councilman	Louis Cappella	Councilman
Philip Canterino	Councilman		

ALSO PRESENT: Rick Golden, Planning Board Attorney; Dennis Caplicki, Town Board Attorney

A. CALL TO ORDER:

Supervisor Bloomfield called the meeting to order at 7:35 p.m., with Doris Bialas leading the Pledge of Allegiance.

B. AMMENDMENT TO THE AGENDA: Councilman Cappella asked to strike the reports, as they are done at the last meeting of the month.

C. PRIVILEGE OF THE FLOOR: No response.

Supervisor Bloomfield said he had some things he would like to report to the Board. He said he had received an email from Nancy Reyelt, in reference to a letter she had received from PETA (People for the Ethical Treatment of Animals). The letter referred to a venison dealer, Musicon, Inc. located in Goshen. The letter referred to inhuman treatment of the animals as they were taken to slaughter. The Supervisor said he asked the Deputy Town Clerk to call the New York State Ag & Market Department and inquire as to what agency would be responsible to oversee the slaughtering of the deer.

Mr. Arnold from Ag & Market called the Supervisor and said he had seen the three videos of the recent slaughters, that had been on CBS in a documentary on television. Apparently the videos were done with a hidden camera. He assured the Supervisor he would call him back with the name of the person or agency in charge of slaughter houses in New York State. Mr. Arnold said with a religious kill, where they cut the throat of the animal, the heart beats and pumps the blood out of the animal. While it is not a pretty sight, after twenty seconds the animal is brain dead. Supervisor Bloomfield stated the Town has no jurisdiction. Our current code says a farmer can have a farm and can kill animals on his farm, as long as he does not bring in other animals to slaughter. However, the State will investigate further and the Supervisor will report the results to the public.

Supervisor Bloomfield said he would like to say how proud he is of Burke High School. He said back in the Spring the Board decided to ask the school not to park their cars on the Town Road for safety reasons. He thanked Councilman Newbold for doing a great job as liaison between the Board and the school. The Supervisor said the new school

year has started and there have been no tickets issued. He said his “hat is off” to the students for their cooperation.

E. OLD BUSINESS:

1. Approval of Minutes: Councilman Cappella made a Motion to accept the minutes of Work Sessions August 6th and August 20th, Regular Meeting of August 9th and Regular Meeting of August 23rd with a correction. The Motion was seconded by Councilman Newbold. Motion carried 5 to 0.

F. NEW BUSINESS:

1. Resignations: 1. Dawn Santoro from the ZBA Board Effective 8/31/2007: Councilman Lyons made a Motion to accept Dawn Santoro’s resignation effective 8/31/07. The Motion was seconded by Councilman Cappella. Motion carried unanimously. Councilman Newbold said he would like to see a letter of thanks sent on behalf of the Board for the great job she did during her years of service. The Board agreed.

2. Steven Eubanks from Water & Sewer Effective 9/14/07: Councilman Newbold made a Motion to accept Steven Eubanks resignation from Water/Sewer effective 9/14/07. The Motion was seconded by Councilman Canterino. Motion carried unanimously. A letter of thanks for his service to the Town will be sent to Mr. Eubanks also.

2.. New Hire Water/Sewer Department: Damian Reynolds as Maintenance Worker at a rate of \$19.91 per hour Effective 9/14/2007: Councilman Canterino made a Motion to hire Damian Reynolds as Maintenance Worker at a rate of \$19.91 per hour effective 9/14/2007, subject to a background check. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

3. Larchwood Drive Property Maintenance Issue: Attorney Caplicki explained the Board has been working on this for a number of months in Executive Session. He said it is covered by Chapter 75 of the Town Code of property maintenance. This property has been unkempt for some time, vacant, with absentee owners. The Building Inspector made a number of inspections to the property and notices of violation were sent to the property owners on May 11th, August 3rd and August 22nd of this year. At that time the owners were given a required time period in which to comply and correct.

Attorney Caplicki explained since this type of situation entails the government potentially going onto private property, it is a very detailed, very complex, strictly enforced law. He said the Board is now at the stage where the condition of the home is so bad, the Board needs to take steps to authorize the Town’s code enforcement officer to go forward and access the property, via the Highway Department, to clean it up. He said an emergency order may be needed. He said the building is in such disrepair that there is access from the outside available. There are no locked doors, windows have been

knocked out and it is now a major undertaking. Attorney Caplicki said the cost of which can be charged, under your Chapter 75, back to the property under a tax levy basis. He said hopefully this method would be successful and the Town would not have to take further, more costly action. The Board discussed the legal process extensively.

Councilman Newbold made a Motion that based upon the Notices of Violation, issued by the Building Inspector, as Code Enforcement Officer of the Town of Goshen, dated May 11th 2007, August 3rd 2007 and August 22nd, 2007 to the owners of the premises, known on the tax map in the Town of Goshen as Section 25, Block 3, Lot 14 also known as 6 Larchwood Drive, Goshen, New York. That the Code Enforcement Officer access the subject premises, remedy the violations, and the expense thereof be charged to the property by including such expense in the annual tax levy against the property pursuant to Town Law on the State of New York, and that he continue to monitor the situation as necessary. The Motion was seconded by Councilman Lyons. During discussion, Councilman Lyons asked about the expenses being charged back to the property and asked if the lawyer fees involved would be included. Attorney Caplicki said any and all costs would be included in the tax levy. Supervisor Bloomfield called for the vote. Motion carried unanimously. Attorney Caplicki will work with Councilman Cappella and the Building Inspector to start the process.

4. Budget Meetings: 9/17/07 and 10/22/07: 6:00 p.m. at Town Hall. Supervisor Bloomfield explained that these are the first of the budget meetings and will start at 6:00 p.m. at Town Hall on 9/17/07 and 10/22/07 and will be advertised and open to the public. A lady in the audience asked if this was the time she could speak about her water bill. Supervisor Bloomfield said, not at this time, but during the Privilege of the Floor section of the meeting she would be able to speak on anything she would like to address.

G. FINANCE: Councilman Canterino made a Motion to authorize the Supervisor to pay Manual Check run of 8/13/07 amounting to \$1,509.72 and manual check run of 8/28/07 amounting to \$216,640.26. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

Councilman Lyons made a Motion to authorize the Supervisor to pay check run 9/13/07 amounting to \$238,418.34. The Motion was seconded by Councilman Canterino, Motion carried unanimously.

H. PRIVILEGE OF THE FLOOR

Mrs. Sedera Hines of 21 Birchwood Drive, accompanied by Ms. Gussie Hawkins, asked why her water/sewer bill had such an increase and if there was something that can be done. Ms. Hines was very soft spoken and difficult to hear, some of her words inaudible. She mentioned \$400.00 in November and \$400.00 in January.

Supervisor Bloomfield replied saying “Let me explain as best I can everything I know about your water/sewer bill.” “Arcadia Hills, if I recall, I do not have the data, did not have a water rate increase, you had a sewer rate increase.” “But your sewer rate increase

is dependent upon how much water you use.” “Now, here is what is occurring in Arcadia Hills.” “We have two subdivisions, in the Town of Goshen, which use the Village sewer facility, Hambletonian Park and Arcadia Hills.” “This was put in place back when Arcadia Hills was built, the developer dealt with the Village, and not wanting to build a sewer system himself, made arrangements with the Village to hook into the Village sewer, it was the same with Hambletonian Park.” “The Village was told or asked by the DEC, the Department of Environmental Conservation, from the State of New York, that their sewer plant that was built in 1918, was in violation because, basically, they were putting raw sewage into the Rio Grande and the Wallkill River.” “The plant was not processing the sewage properly.” Supervisor Bloomfield said that Councilman Lyons might want to speak on this, as he was mayor when this all transpired a few years ago. He said “they would patch, and they would do this and they would do that, till the DEC said ladies and gentlemen we are going to fine you so much per day, for every day, that you delay building a new plant.” “The exact numbers, the dates and all of that I don’t know, but the Village was forced to go on and make plans for a new sewer plant.” “I wrote two letters to the prior Mayor asking that he or one of his staff come and talk to this Board about what they were doing, what potential costs were, how it was going to work.” “He did not respond.” “Finally, Councilman Newbold was co-chair on water and sewer, and we had a meeting with the Trustee of water and sewer for the Village.” “At that meeting, Councilman Newbold and I met with our financial officer, two citizens from Hambletonian Park and the Trustee.” “I wanted everyone here, I asked them, they refused to come.” “The Village, to the best of my knowledge, and I don’t know the numbers for sure, but principal and interest they paid, somewhere give or take, forty million dollars, at one point I heard forty three million to build this new plant”. “In the Village you have 1,710 homes, you divide through and you have about \$25,000.00 a house, it’s a lot of money.” “This Trustee, Commissioner of Finance, told us that we are going to have our first interest and principal payment in the Spring of 2007.” “We will get another one in October of 2007 and it will not be a low introductory rate, it is going to be the final one.” “What they do is provide service all year long, and then based on the number of gallons of sewage that they process for us, they charge us in January.” “So based on the amount of sewage that has been processed, Arcadia Hills for example, year in and year out, they said they expect to charge us for this many thousands of dollars for sewage in January for what you used in 2006.” “That number blew me right out of the chair, I don’t have the numbers here.” “If I knew you were coming I would have baked a cake and had the numbers for you.” “The sad news is it probably will go up again next year, as they don’t know what their operating costs will be in this new plant.” “Someone told me it is going to be three or four times the cost of electricity.” “I don’t know if that is true or not.

“The other thing that happened in Arcadia Hills, I don’t know if we should call it an “act of nature”, I don’t know what to call it.” “There was a valve failure, and this valve on the main sewer line, where all the sewage goes, jammed shut.” “When it slammed shut, it fractured the sewer line in fourteen places, sewage went everywhere.” “Councilman Newbold was out there all night long, as I recall, as was Councilman Cappella.” “We had to report to the DEC and the Health Department, etc.” “It cost a lot of money to fix that.” “So if you take the fourteen line breaks in that one incident and take what the

Village is charging us, plus whatever increase we give to the two operators we have running our system, when you take all that together, we had to come up with a rate increase.” “I reviewed the rate increase in April, and all that I am saying, I had two meetings with the public, one in February and one in April.” “During those meetings I told people we are going to have this rate increase because we have to start collecting the money in the calendar year of 2006 so when this bill comes in, in January 2007, we will have the money to pay it.” “So that is what you see on your bills, and when I break out in a sweat at three o’clock in the morning, with anxiousness, it’s because I feel like I have all the responsibility for your costs, but none of the control.” “What we charge you is what they charge us, that is the bulk of your cost.” “What we did have control of was the break, which we fixed.” Ms. Hines asked who she could talk to at the Village. Supervisor Bloomfield replied the elected officials of the Village, the Mayor and the Trustees, who were asked to come, but didn’t.” “They are the ones, who are the elected officials, the legislative body for the Village, are the ones who hired the engineers, designed it, built it, borrowed the money and thus started up.” “We are the elected officials of the Town, we have no control over it.” “It’s almost like I own a gas station and all of a sudden my supplier says “Doug, I have to charge you \$12.00 a gallon, I can’t sell it to you for \$2.00 a gallon, I have to charge you \$12.00.”

Supervisor Bloomfield said currently the sewage from the Orange County jail is being processed by the Village of Florida. “I heard at a meeting, the Mayor of Florida and the County Executive saying it was not going real smooth.” “I wrote a letter to the Mayor saying I think you need to get aggressive and try to get that sewer customer back, there is a lot of sewage to be processed at the jail. “If we could take their fixed cost, and spread it over more people, you will get a reduction in cost.” “The more users, the less cost.” “I talked with the mayor the next day, and he said “Doug, I don’t know what our capacity is because of this and this...” The Supervisor said “you are the boss, I am just telling you it would be in the best interest to the Village and Town residents for you to do everything in your power to control the cost.” The Supervisor said the Mayor is going to talk with his Board of Trustees. “The ball is truly in their court.” The Supervisor said if anybody in this town, you or anyone, who has an idea that we can pursue, to get this cost down, I will do it, this Board will do everything we can do.” “We do not make money on water and sewer, the New York State Law says that we can only charge you what it costs to operate it, and we cannot take general taxpayer money to do work on your facilities.”

Supervisor Bloomfield also reported he told the Mayor “Councilman Newbold and I have been quite successful at obtaining money from Congressman John Hall, who was able to obtain \$400,000 for Hambletonian Park’s Water District.” “We don’t know whether we are going to get it or not, but we have a pretty good idea.” “So if there is something we can do to go to the Village, work with the Village to get comparable funds from the State of New York or the Federal Government, it will help bring down your cost as well.” “That has to be done by them, but I told him I would travel around where ever he wants to go and bring Councilman Newbold along as well, as he is co-commissioner, we will do our best to secure funds.” “Beyond that I do not know what else to do, I feel very badly.” “I too am on a fixed income, I am retired.” “It is jarring to see what you pay for sewer.” “The other thing is, your sewer bill is dependant upon how much water you use.” “The

more water you use, the more you pay for your water, the water goes in the sewer and you pay more for the sewer.” “So people who have five children, water their lawn or fill their pool, are going to pay more for sewer.”

Councilman Canterino said he lives in the Village and is facing the exact same problem, there are two of us in our house. “My water and sewer bill for quarter ran about ninety dollars, the first bill he received after the new assessment was \$270.00.” “So I went from approximately \$390.00 a year to over 1,100.00 a year.” “So I understand when you go from less than \$400 to \$1,100.00, it is traumatic.

Ms. Hawkins stated there are lots of people who don’t have children and we should be charged less. Supervisor Bloomfield said “you are charged less because you use less water as an individual, and you pay the minimum.” “Hambletonian Park residents have the same problem with sewer, but in addition to all that we had to install a new water line, costing several hundreds of thousands of dollars, and they need to pay that back as well.” “That is why we went to the Federal Government to help us.” “We hope they will come through.” “It takes looking in avenue, every possible idea, to work with other forms of government to find how you can spread cost over more people and get grants.” “My heart is out to you.” “I hope I have answered your question, I know I have not resolved your frustration.”

The Ladies asked who they could write to and the Supervisor suggested they call the Mayor, since he is the one that will be operating this plant and he is the one that has control of it. “He can go out for grants or he can bring on more customers if he has the capacity.” The Board encouraged the ladies to attend a Village meeting and the Supervisor said he and Councilman Newbold would be glad to go with them. The ladies thanked the Board for its time.

Supervisor Bloomfield asked if anyone else had anything for Privilege of the Floor, when no one responded, he said “I have a couple of things I would like to discuss.” He said there was a meeting in Arcadia Hills yesterday, I was not invited.” “I don’t know, I just got this from other people so if I am wrong, someone please tell me.” “I am trying to clarify it for the public, what I know about it.” “We have Executive Session at the end of every meeting where we discuss things such as personnel issues, possible litigation, etc., things that cannot be discussed at a public meeting in order to protect peoples’ privacy and litigation matters.”

Supervisor Bloomfield stated there was a misunderstanding in reference to the Police contract. It was said the Police have been working without a contract for two years. The Police contract expired December 31, 2006 and Councilman Canterino and I have been negotiating with the union negotiator, we represent the Town residents and the union negotiator represents the Police. “We are now at an impasse in the negotiations, where they would like more than we are willing to give, and we agree to disagree.” Supervisor Bloomfield explained the protocol now followed is binding arbitration. Under binding arbitration the Town Board will present it’s case to the Arbitration Board stating this is what we want and this is what the Police want. The Arbitration Board will hear both

sides and make it's decision, which is binding to both sides. If the Arbitration Board decides in favor of the Police Department, the Police will be paid retroactively. Supervisor Bloomfield stated "they are not without a contract, we have been negotiating in good faith."

Supervisor Bloomfield said there was also a misconception that the Town Board turned back money for a Police Grant. Supervisor Bloomfield made the following statements: He said the grant was discussed in early 2006 and was corrected by Councilman Cappella that the year was really 2005 during budget time. "A grant was written by the Police Department for creating an Off Road Drug Interdiction Control." "There were two all terrain vehicles, two snow mobiles, two snow mobile suits, night vision goggles, etc." He said when it came to the Board, we debated it, and it required the Town provide twenty five percent matching funds. The Board decided "we don't have State Parks or Federal Land where this equipment could be used." "You can't go on farms and this and that with this equipment." "I called Senator Larkin I would like to take this money and use it for patrol cars, something the taxpayers will have to pay for." "Senator Larkin said to have the Police Chief and Councilman Lyons rewrite the grant, and I will see you get the money." "So we got three police cars, two cruisers and a Chevrolet Tahoe 4x4 with trailer hitch, 8mm Pinhole Surveillance System and a Computer Workstation with photo/identi-kit software." He said we received all this at no cost to the taxpayer. "We did not give anything back"

Councilman Cappella said he wanted to clear something up too in reference to the grant money. He said when this took place in 2005, he said Councilman Newbold and Supervisor Bloomfield were here at that time and both sergeants were here at the time. He said the Board explained to the two sergeants that the present Board did not know a thing about that grant going forward, it was a surprise to us. "Secondly, I told those two sergeants that night, it is not about wants, it is about needs, and we needed vehicles more than snow mobiles." "I also told the sergeants, most importantly there is a lot of liability on the Town with snow mobiles going across farms." "It is also a safety issue, I would hate to see two officers or any officers getting hurt going across farms at night with barbed wire fences, etc." "There were other considerations that you had to take into consideration that night when we did not accept these particular items, but turned it into some really nice, needed items that affected the taxpayers."

Supervisor Bloomfield said the next item that concerned him was "the Supervisor increased his salary by 28%." "When I first became Supervisor in January 2006, my salary was \$31,000. and I worked the full year." "I put in anywhere from fifty to 60 hours a week, more often than not sixty." "We left here on Monday night at twenty minutes of twelve, it is not just a day time job." "The Board, late last year at budget time, looked at the position." "To make this position attractive enough to bring people in that are qualified and have the time to spend on it, you have to bring the value of it up." "The position, in years to come, needs to be certainly higher than \$31,000." "It is the lowest paid manager in the place, the Chief of Police makes \$75,000, plus a car; the Financial Officer makes \$59,000; the Highway Superintendent makes \$61,000 and the Assessor makes \$58,000." "The new water/sewer operator we just hired will be making \$43,600

per year, so I will be making \$7,600 less than him, with my increase.” “You need to pay people for what they do.”

Supervisor Bloomfield reminded the public of the MTBE problems the Board had and how he convinced the DEC to reduce our fine from \$15,000 to 1,500, \$13,500. saved. He said about two or three weeks ago the Board received an increase from our computer maintenance person for a 5% increase. The Supervisor called the maintenance person saying we want you to do next year, what you did this year, with no increase or we will start looking. He said “you have it, no increase.” The Supervisor stated “another four or five thousand dollars saved.” Supervisor Bloomfield gave other instances and said “I am skilled at this, I am persistent at this and I am as tight as the bark on a tree and I am looking out for the citizens.” “This thirty five or thirty six thousand they pay me, I am worth every penny of it.”

Councilman Lyons stated he felt the Supervisor left out a number of things, such as the grants the Town has received since the Supervisor has been in office. Noting a couple, Councilman Lyons said the DPW truck, approximately \$40,000; \$10,000 from Annie Rabbitt, plus \$4,500 from Annie Rabbitt for the fuel system, and hopefully the \$400,000 from Congressman Hall. Supervisor Bloomfield said Councilman Newbold was with him every step of the way and he thanked him. Councilman Lyons said it was a great coup that the Supervisor and the Board could change the police Byrne Grant to be three police vehicles versus the “scooby – doos”. Councilman Lyons said the “five thousand dollar increase was worth it in my mind.”

Councilman Canterino said no one asked for a report from the Recreation Commission, but “I want to give you one anyway.” He reported he had time sensitive issues and was asked to report to the Board. He said there was a clean up last Saturday at Salesian Park and complimented Councilman Newbold for all his hard work. He said the cleanup was such a success and there is not much more to do, the Commission would like to schedule another cleanup for September 22nd. The Board discussed the Library property and was concerned with the appearance which is very unsightly. Councilman Canterino said he was at a meeting with one of the library members, Pauline Kehoe. He said he commented to her that there was “debris all over and the bushes are high and you are creating a lot of danger.” He said she informed him the insurance agency advised them not to clean up as a deterrent for people walking over there.

Councilman Canterino said the Commission is looking and hoping for an October 20th date. He said the finials that will be capping the points on the fence are in and fifteen of them were placed on the fence by the gentleman who produces them, they went on very well and look good.

He also said Joint Recreation would like to do the commemorative bricks, like the Village did at the square, to raise money for the Salesian park. He said the small ones would be \$30.00 and the large ones \$70.00. The Commission would also like to know if they could auction some of the antiques or objects that were taken out of the mansion at Salesian to raise money. Supervisor Bloomfield said the background of these items is

they are structural things and are priceless. He said one of them is a fireplace mantel with beautiful children, etc engraved on it. He said the feeling was that these should go to somewhere where they are going to build something for Goshen, like a library, not to just sell them for the money, it is all a part of Goshen's history. The Board will take all of this into consideration at the next work session.

Councilman Canterino said he was again requesting the use of credit cards for various purposes. He said it would be very convenient for the whole Town Hall, the Courts and the Recreation Commission to allow people to pay by credit card. He said he had attended a seminar some time ago and had talked to the Budget Officer about it. However, he said at that time it did not seem as palatable, but he would be happy to look into it again and do all the leg work to see if it would work out legally and financially for the Town.

Councilman Newbold reported he had talked to Trustee Corr about the eighteen trees that had died at Salesian Park. He said most of them have been removed and Trustee Corr is in the process of shopping for and replanting new ones.

Doris Bialas said she liked the idea of auctioning off the items that were saved from the mansion on the Salesian property, but would like the funds to be used to pay down the debt of the purchase of the property.

With no further response from the public, Councilman Cappella made the Motion to go into Executive Session, with the intent not to return, to discuss personnel, potential litigation regarding zoning and coding, the Sullivan and Serdarevic litigation and the Humane Society. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

Time: 9:50 p.m.

Valma Eisma, Town Clerk