

**TOWN OF GOSHEN**  
**Town Council Meeting of August 9, 2007**  
**Minutes**

A regular meeting of the Town Council of the Town of Goshen was held on the 9<sup>th</sup> day of August, 2007 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
	Philip Canterino	Councilmember
	Louis Cappella	Councilmember
	George Lyons	Councilmember

Also Present:	Dennis Caplicki	Town Attorney
	Susan Maysels	Deputy Town Clerk

Absent:	Kenneth Newbold	Councilmember
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**A. CALL TO ORDER**

The meeting was called to order at 7:30pm by Supervisor Bloomfield, followed by the Pledge of Allegiance.

**B. AMENDMENT TO THE AGENDA**

Supervisor Bloomfield added item F.1.a: Presentation by Roger Rascoe of Goshen Residential Center.

**C. PRIVILEGE OF THE FLOOR (agenda items only)**

None.

**D. PRESENTATION BY SUSAN BOSLEY, VICE-PRESIDENT OF GOSHEN HUMANE SOCIETY RE: RECENT FACILITY QUARANTINE.**

Ms. Bosley explained that there was a distemper outbreak recently in the shelter. Once shelter staff realized there was a problem, the shelter was immediately quarantined at the advice of their Vets. This took place 8-9 days ago. Staff believes they can trace the virus back to a kitten dumped off in the yard when the facility was closed. To confirm distemper, expensive blood work is necessary. This was not done, but the 3-4 Vets working with the shelter concluded it by process of elimination and symptoms. It has been a week since any deaths have occurred, but in all, 12 kittens and 2 unvaccinated adult cats have died. All Vets associated with the shelter agree that the quarantine should remain until the end of August to fully ensure that the virus has run its course. Ms. Bosley commends the work of Shelter Manager, Elijah Howe during this time.

Ms. Bosley asked who should be contacted in the future when the Shelter's normal schedule is altered for something like this. Supervisor Bloomfield asked that they call both the Town and Village Clerks on these occasions, because those offices would receive calls from the public questioning the change.

**E. OLD BUSINESS:**

**1. DANA DISTRIBUTORS TAX CERTIORARI RESOLUTION**

Supervisor Bloomfield explained that a tax certiorari is a law suit filed by a landowner who feels they have been overtaxed for property. The settlement with Dana Distributors, Inc. was addressed by Council a few weeks ago, but the numbers were incorrect, so although not dramatically different, the resolution tonight contains the accurate figures.

Councilmember Lyons added that the settlement agreement with Dana Distributors, Inc. states that the corporation cannot file another tax certiorari law suit for a three year period – 2007, 2008, 2009.

**RESOLUTION**

WHEREAS, there are now pending in Orange County Supreme Court tax certiorari proceedings commenced in 2005 through 2007 by Dana Distributors, Inc. seeking a reduction in the tax assessment of the Dana Distributors, Inc. property for those tax rolls; and

WHEREAS, the Town Assessor and Special Counsel have recommended a settlement of these tax proceedings,

NOW, THEREFORE, BE IT RESOLVED:

1. The Town Board of the Town of Goshen hereby approves the settlement on behalf of the Town of Goshen of the tax review proceedings brought by Dana Distributors, Inc. whereby the assessment will be reduced on the 2005 and 2006 assessment rolls as follows:

Assessment Roll	Assessed Valuation	Reduced Assessment	Assessment Reduction
2005	\$8,200,000	\$6,300,000	\$1,900,000
2006	\$8,200,000	\$5,775,000	\$2,425,000

2. The Supervisor, the Town Assessor and David D. Hagstrom, Esq., are hereby authorized to take all action necessary and appropriate to effectuate the terms of this Resolution, including, but not limited to, the execution of a Consent Judgment embodying the above settlement, the obtaining of an Order from the Orange County Supreme Court embodying the above settlement and a refund or crediting of tax payments, without interest, if one half of the refund for Town taxes (\$2,300.29) is paid within sixty (60) days after service of the Order with Notice of Entry, and the balance (\$2,300.28) is paid within one (1) year and sixty (60) days after service of the Order with Notice of Entry, all in accordance with the above authorized settlement.

Dated: *August 9, 2007*

Moved By: *Councilmember Philip Canterino*

Seconded By: *Councilmember Louis Cappella*

Ayes: 4      Nays: 0

	AYE	NAY
Councilman Philip Canterino	__X__	___
Councilman Kenneth Newbold	__X__	___
Councilman Louis Cappella	__X__	___
Supervisor Douglas Bloomfield	__X__	___

**F. NEW BUSINESS:**

1. REQUEST BY GIGANTIC PICTURES PRODUCTION COMPANY TO SHOOT SCENES FOR FILM *Far From Family* ON PUMPKIN SWAMP ROAD ON AUGUST 16, 2007.

Supervisor Bloomfield stated that Gigantic Pictures of New York City has requested permission to film on Pumpkin Swamp Road near Maple Avenue. This would involve halting traffic for approximately ten minutes at a time and would require hiring Town Police with the cost passed along to the production company. They would provide insurance coverage, and the residents in the area would be notified. The date requested was August 16<sup>th</sup> or August 18<sup>th</sup> the latest. Town Attorney Caplicki stated that all costs associated with the filming are traditionally passed on to the company, and Goshen will be listed in the film credits. Councilmember Lyons will review the request with Police Chief Marsh. Councilmember Lyons also noted that filming companies bring business to the area due to the number of crew members needing food and housing.

1(a) PRESENTATION BY ROGER RASCOE OF GOSHEN RESIDENTIAL CENTER ON CROSS ROAD RE: CHANGES PLANNED & IMPROVED COMMUNITY ALERT SYSTEM.

Mr. Rascoe of the NYS Office of Children & Family Services is the Facility Director of the Goshen Residential Center. He introduced Ms. Ines Nieves-Evans of the same department, who is the Associate Commissioner for Programs & Services in the Division of Rehabilitative Services.

Mr. Rascoe stated that the facility has a budgeted capacity of 85 residents, which will not change. It was originally built in 1960-61 as a "secure" center. Since its opening, it has operated as a "secure center" (houses Juvenile Offenders sentenced by criminal court), a dual "secure" / "limited secure" center, and as it is now, a "limited secure" center (houses Juvenile Delinquents sentenced by family court). The facility will be returning to a dual "secure" / "limited secure" center, which means more serious offenders will be housed there once again. The different types of offenders will be housed in different areas of the facility but are under the same high level of security. Programs for all their "residents" include non-public school classes, GED classes, and mental health programs. Volunteers provide additional recreational and religious activities.

Facility security includes double fencing: a 16' high perimeter fence with an 8' high perimeter fence just inside the higher one. Since the fences were installed 29 years ago, there have been no breaches. In addition, there is a single point of entry into the facility which is restricted by the Control Room staff. Close circuit monitoring is used throughout and will be expanded. Soon, an electronic key system will replace the old system. All youth and staff wear uniforms at all times. At present, they are upgrading their Community Alert Network and would like to invite all neighbors to register to receive alerts and on-going reports via phone or e-mail. The notification radius has not yet been determined, but anyone, within the radius or not can be added to the notification list. The local Police Departments of course will be on the list.

Mr. Rascoe said that the facility has a Community Advisory Board. Former Town Supervisor Bernstein was a member until she left office. The Director extended a welcome to the Town to provide another representative to this Board. The Board meets quarterly.

Supervisor Bloomfield stated that citizens need to know that "secure" means violent youth who are charged with murder, rape, etc. In the past, there was a siren alarm as a warning to area residents. Councilmember Lyons asked if the siren will remain a part of the warning system. Mr. Rascoe stated that he did not know if the siren was still working. Several members of the audience asked that the siren be checked and used. They felt it was the most immediate means of notification. Reaching folks via phone or e-mail is not the most efficient method when there may be prisoners running through their neighborhood.

Regarding staffing levels, that will not change significantly. At present there are 115 filled positions and 15 vacancies that will be filled. The only increase will be a doubling of staff in the control room.

Ralph Huddleston asked if Goshen had any say over this change the State was making. Attorney Caplicki stated that Town input would be welcome by the State, but the State being a "higher form of government", the blunt answer is NO.

Mr. Rascoe stated that he will keep the Town abreast of these modernization plans.

2. RENEWAL OF FRED LEWIS COMPUTERS ANNUAL SERVICE CONTRACT.

Supervisor Bloomfield handed out his comparison sheet which contained the following information:

Fred Lewis Computer Systems Maintenance Contract Cost Comparison			
Category	Current August 2006-07	Proposed August 2007-08	Diff.
Quarterly Basic Maintenance	\$2,700	\$2,800	+\$100
Annual Basic Maintenance	\$10,800	\$11,200	+\$400
Basic Maintenance Hours	10 hrs/month	10 hrs/month	-----
Additional Maint. After 10 Hours	\$75/hr on-site (+ Free remote service if less than 15 minutes)	\$80/hr on-site	+\$5/hr
Additional Maint. After Bus. Hours	\$75/hr on-site	\$90/hr on-site	+15/hr

The Council discussed the former computer maintenance company, Foremost, which charged in excess of \$25,000 annually but did not provide the high quality of service that Town Hall staff reports they receive from Fred Lewis Computers. The new PCs, software and server purchased over the past year have been costly – approximately \$44,000, but has eliminated past equipment problems according to Supervisor Bloomfield. Additional Maintenance charges over the past 12 months have consisted of \$10,000 by the Police Department, \$3,900 by Assessor Department, \$2,100 by Justice Department and \$1,100 by Town Clerk Department. Councilmember Lyons felt that given the great amount paid to this service provider for the transition to new systems, regular maintenance and additional maintenance, the fees, which are fair, should be kept at the same rate as the 2006-07 contract. He suggested that Town staff should be told that this service is expensive and should only be sought when absolutely necessary.

Supervisor Bloomfield made a motion to enter into a new contract with Fred Lewis Computers, Inc. for 2007- 08 at the same fee schedule as the 2006-07 contract. Motion was seconded by Councilmember Cappella. Councilmember Canterino requested that the motion be amended to authorize the Supervisor to negotiate the fees, with the maximum amounts being those requested by the provider in the 2007-08 column above. Supervisor Bloomfield and Councilmember Cappella accepted the amendment.

Motion passed:           4       AYES  
                                  0       NAYS

3. RESOLUTION SETTING PUBLIC HEARING TO ESTABLISH A BACK-UP STORM DRAINAGE DISTRICT IN HOUSTON ESTATES SUBDIVISION.

**RESOLUTION**

WHEREAS, a written petition dated May 24, 2007, in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Goshen, Orange County, New York, for the creation of the Houston Estates Subdivision Backup Storm Drainage District in said Town, to include an approximate 95.0 acre parcel containing twenty-five single family homes located at the intersection of Route 17A and Houston Road in the Town of Goshen and known as Town of Goshen Tax Map Section 17 Block 1 Lot 5.24; and

WHEREAS, the improvements proposed are in accordance with certain plans made a part of such petition, and now on file in the Office of the Town Clerk of said Town; and

WHEREAS, the maximum amount proposed to be expended for the improvements by the Town, as stated in the said petition, is zero (\$0.00) dollars, it being the intention that the entire cost of the improvements is to be paid by the Developer or its successor within the territory for which the extension of the district is proposed; and

ORDERED, that a meeting of the Town Board of the said Town of Goshen shall be held at the Town Hall, located at 41 Webster Avenue, Goshen, New York on September 10, 2007, at 7:30pm or as soon thereafter as the matter can be heard, to consider the said petition and to hear all persons interested in the subject thereof, concerning

the same, and for such other action on the part of said Town Board with relation to the said petition as may be required by law or proper in the premises.

Dated: August 9, 2007

Attorney Caplicki stated that this is an ideal situation for the Town. The drainage district is a Homeowners Association project, and they are responsible start to finish. As a cautionary measure, this "backup" district is being established now, should the Homeowners Association ever fail, default or become not operable in the future, the backup district is in place and would immediately take over and charge all costs back to the homeowners. It is ideal to create this in advance, because should the Homeowners Association fail without this in place, the Town and its funds could be exposed. This would prevent future use of public funds that benefit only these 25 homes. This subdivision cannot proceed through the Town planning process without Town Council approval of this backup district.

Councilmember Cappella made a motion approving the Resolution setting the public hearing for September 10, 2007 at 7:30pm at Town Hall. Councilmember Canterino seconded the motion.

Roll Call Vote:

Supervisor Douglas Bloomfield	AYE
Councilmember Louis Cappella	AYE
Councilmember Philip Canterino	AYE
Councilmember George Lyons	AYE
Councilmember Kenneth Newbold	absent

Motion passed:	4	AYES
	0	NAYS

4. INSTALLATION OF "CHILDREN AT PLAY" SIGNS IN ARCADIA HILLS SUBDIVISION.

This item was discussed at length at the Monday Work Session per Supervisor Bloomfield. A child was hit by a car on Arcadia Road. Residents requested a greater Police presence, which has been done. Residents also requested four signs to be placed on Arcadia Road near the subdivision entrances and on the entrance roads.

Councilmember Lyons made a motion to place the four signs as requested by residents. Councilmember Cappella seconded the motion.

Motion passed:	4	AYES
	0	NAYS

5. TOWN OF WALLKILL REQUEST TO WAIVE THE \$2,000 ESCROW FEE FOR ITS ECHO LAKE SUBDIVISION LOT LINE CHANGE.

This property is in the Town of Goshen, but owned by the Town of Walkill. Attorney Caplicki and Supervisor Bloomfield explained that it is a common practice among municipalities not to require upfront funds in the form of an escrow account because it is an expenditure of taxpayer's funds. This is a rational and reasonable request. It in no way alleviates their obligation to pay for professional fees and costs, and the Walkill Supervisor acknowledged that in his letter dated July 25, 2007. Walkill is not looking to escape any fees or costs; they just don't want to post funds in an account in advance.

Supervisor Bloomfield made a motion to waive the \$2,000 escrow fee for the Town of Walkill. Councilmember Canterino seconded the motion.

Motion passed:	4	AYES
	0	NAYS

## G. FINANCE

### 3. APPROVE ACCOUNTS PAYABLE COMPUTER-GENERATED CHECK RUN DATED AUGUST 9, 2007 TOTALING \$128,398.55.

Councilmember Cappella made the motion to approve payables of 8/9/07 totaling \$128,398.55. Councilmember Lyons seconded the motion.

Motion passed:           4       AYES  
                                  0       NAYS

### 1. APPROVE ACCOUNTS PAYABLE MANUAL CHECK RUN DATED AUGUST 1, 2007 TOTALING \$764,884.00.

Supervisor Bloomfield explained that the majority of this amount is payment of the Knoell Farm PDR. Councilmember Cappella made the motion to approve payables of 8/1/07 totaling \$764,884. Councilmember Lyons seconded the motion.

Motion passed:           4       AYES  
                                  0       NAYS

### 2. APPROVE ACCOUNTS PAYABLE MANUAL CHECK RUN DATED AUGUST 2, 2007 TOTALING \$19,731.06.

Supervisor Bloomfield explained that the majority of this amount is the Town's share of the employees' retirement fund. Supervisor Bloomfield made the motion to approve payables of 8/2/07 totaling \$19,731.06. Councilmember Lyons seconded the motion.

Motion passed:           4       AYES  
                                  0       NAYS

## H. PRIVILEGE OF THE FLOOR

Ralph Huddleston, Chair of the Town Planning Board stated that the Planning Board is very close to concluding its comments on the zoning changes proposed by Town Council, and will get them to the Council shortly. He also stated that he is a supporter and promoter of the Farmers' Market in the Village on Fridays.

Supervisor Bloomfield announced that the contract for the new water meters for Scotchtown Water District has been signed, so the electronic meter installation for the 43 homes will occur the later part of August. Supervisor Bloomfield also announced that the water & sewer bills, with the new rates, will be mailed tomorrow. The new rates reflect the increases charged by the Village for sewer usage.

Councilmember Canterino said he met with Pauline Kehoe, Director of the Goshen Library and Lynn Cione, Village Trustee yesterday regarding securing Library property, which is adjacent, and open to, the Salesian property. The Library's insurance company, Utica National Insurance Group inspected their property on June 28th and made nine safety suggestions in a letter dated July 2, 2007. Copies of this letter will be provided to Councilmembers after the meeting. Councilmember Canterino stated that the Library may want to hang a gate on the Salesian access road and post No Trespassing signs. Councilmember Cappella asked, once the park is open, what entity is liable if a resident wanders from park land over to library land and is injured? Attorney Caplicki stated that the Library is fully liable for people on its property.

Doris Bialas asked Council if the manufactured balls for Salesian's fence points had been installed yet. Supervisor Bloomfield said that the division of labor between the Town and Village has the Village managing the ordering and installation of the ball coverings. The only task the Town has yet to do is tarp over the top of the tower, which will be done when the fire dept. can assist with its equipment. Councilmember Canterino stated that the Village has been in there working hard.

**I. EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION AND NEGOTIATION OF THE FOLLOWING MATTERS: Myruski Conservation Easement and Closing Status**

Supervisor Bloomfield made a motion to enter into Executive Session to discuss negotiations regarding the purchase of development rights of the Myruski farm, with the intent not to return to public meeting. Councilmember Canterino seconded the motion.

Motion passed:           4       AYES  
                                  0       NAYS

**J. ADJOURNMENT**

Council entered Executive Session at 9:00 pm.

Respectfully submitted by:

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Susan Maysels, Deputy Town Clerk