

**TOWN OF GOSHEN
TOWN BOARD WORK SESSION & REGULAR MEETING
November 20, 2006**

A combined Work Session and Regular Meeting of the Town Board of the Town of Goshen was held on the 20th day of November, 2006 at 7:30 pm 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
 George Lyons Councilmember
 Kenneth Newbold Councilmember

Also Present: Brian Morgan Town Attorney from Jacobowitz & Gubits

Absent: Louis Cappella Councilmember

WORK SESSION

A. REQUEST BY RICHARD QUINN FOR PUBLIC HEARING REGARDING GLOBAL COUNTRY OF WORLD PEACE.

Supervisor Bloomfield introduced Richard Quinn, Director of Property Financing, Global Country of World Peace, and referred Councilmembers to Mr. Quinn's letter of November 20, 2006 requesting assistance from the Town in obtaining tax exempt bond financing for his 501(C)3 organization. Mr. Quinn stated that the purpose of his attendance was to understand and address the concerns of Councilmembers, and request that the Council pass a Resolution setting a public hearing as required by the IRS, Federal Tax Exempt Fiscal Responsibility Act of 1982 (TEFRA). Mr. Quinn introduced Steven Polivy of Stadtmuer Bailkin, the organization's bond attorney, who was in attendance to answer the Council's technical questions.

The purpose of the public hearing would be to allow GLOBAL to finance the refinancing of the purchase of the farm on Pulaski Highway and build one administrative building. The amount to be spent locally is approx. \$6 million. Currently the farm does not have buildings GLOBAL can use in that way. The Notice of Hearing and Resolution stipulate quite tightly that the use of funds is for agricultural purposes. Forty-five minutes away GLOBAL has another facility with many programs with one being organic agriculture. In Goshen, the intent from the outset was to operate a very dynamic organic farming enterprise. GLOBAL feels fortunate to have put together the funding to be able to do this. Mr. Quinn explained that the TEFRA Act is tax-exempt fiscal responsibility act whose purpose is to allow 501(c)3 organizations, which are charitable or educational organizations, and to allow eligible manufacturers to obtain tax-exempt bond funds for fostering economic development on the local level.

Councilmember Lyons asked what the IRS rationale was for involving the local municipality in providing their blessing for organizations to obtain these bonds. Mr. Polivy said that he believed IRS purpose was to insure that the local community was aware of the project with federal tax-exemption.

Councilmember Canterino stated that he understood that the IRS required not only a public hearing, but a Resolution from the Town Council stating that they were in support of GLOBAL receiving the tax-exempt

bond financing under TEFRA. Mr. Polivy affirmed that the Town Council would be required to approve this financing. Councilmember Canterino explained that the Council does not know enough about the project to feel comfortable giving its approval. For instance, papers state the financing is for "furthering your goals", but Councilmembers do not know the full goals and have no applications before them. Council does know that GLOBAL has applied for \$5.8 million, with 100% financing which means that GLOBAL will have no investment, and can walk away at any time without loss. What will the Town end up with? Mr. Polivy responded that this project is not off the tax rolls. Councilmember Canterino stated that as he understands it, a 501(c)3 organization like GLOBAL could apply for property tax exemption at any time. Mr. Quinn reminded Council that GLOBAL was willing to acquiesce on this issue. Councilmember Canterino stated that as a non-profit, GLOBAL has rights which the Council had no intention of restricting. His concern is having a property tax paying entity that is abandoned, and the Town is stuck with acreage and improvements off the rolls.

Mr. Quinn said that there is an assumption here that 100% financing implies no collateral and no risk. In fact, the property itself is collateral, and considerable additional collateral is in place to support this project. GLOBAL has plenty at risk, the Town has nothing at risk. Councilmember Canterino stated that his concern is not knowing what the Town will be left with if GLOBAL fails, and the negative tax revenue consequences of reassessing failed property. The Council's biggest problem is that it does not know what has been put up as collateral, or by whom.

Mr. Polivy explained that the borrowing entity GLOBAL has considerable assets and valuable properties, which have been pledged as security for this debt. Other entities with substantial assets are also involved, have pledged assets, and could loose if project is abandoned. It's highly unlikely that these organizations would walk away from this Goshen project. Councilmember Canterino said that that is not necessarily the case, because that decision would be based on the situation of every investor/corporation at the time, and their financial situation. There could be fifty scenarios, some beneficial to abandoning the project. Mr. Polivy continued to explain that benefits to the Town would include improvement to the property, employment of local people, which will probably include contractors. Mr. Quinn noted that he has little information on construction, but offered again to put that aside for separate scrutiny to simply their current request. According to Mr. Quinn, the issues being voiced by Council are concerns of the lender. Lenders like Merrill Lynch have conducted inquiries and done tremendous due diligence regarding all of these aspects. The bond debt is not held by the Federal gov't, or any State gov't, or any municipality, it is commercial debt with a bond fund at main stream interest rates. The Town of Goshen will have no part in the funding.

Mr. Polivy said that the IRS wants to insure that the Town sees the project as a viable enterprise and compatible with the Town. In this case it's a farm, but if it were a garbage dump, the reason for a public hearing and Town approval is clearer. As owner of farmland, GLOBAL can farm the land, and obtain other financing without Town approval. The question to the Town is if it wants GLOBAL to farm efficiently using these special bond funds available to it, with Town cooperation, or whether GLOBAL has to pay more to borrow money to do the same thing.

Supervisor Bloomfield said that his concern is holding a public hearing on an issue that the public knows nothing about, it will not be a proper public hearing. Mr. Polivy said that he has participated in many, many public hearings, and perhaps one or two per thousand get people who comment. Supervisor Bloomfield expressed concern about how much money will come back into the community, who will the farm workers be, are they students, etc. Other than knowing that GLOBAL wants to grow organic food, he doesn't know

how operation will work, and what the Town can expect as far as impact. Supervisor Bloomfield asked Councilmembers to ask any other questions they may have for GLOBAL. When none were expressed, the Supervisor asked each Councilmember for his thoughts on GLOBAL's request.

Councilmember Newbold stated that he was not interested in being involved in the project. If GLOBAL can get traditional financing like every other farmer, they should go for that. He does not want to get involved with the IRS, does not want to sign on to any tax-free bonds for anyone. Not sure what the project is, which is a great concern. Questions asked have received different answers, and many "not sure" answers, so Councilmember Newbold is not satisfied with the info he has at this point.

Councilmember Canterino expressed that he really does not know what the impact on the Town will be, what the end result of the project will be, except that it will include farming, greenhouses, and a 10,000 sf office building. The Council really does have a vested interest in the project in its Town. GLOBAL knows exactly how much it needs to borrow, but does not know exactly what its going to do with it. Until he is comfortable, i.e. knows the total picture, he cannot pass any resolution without knowing the Town's contingent liability.

Councilmember Lyons advised GLOBAL that he would have been more comfortable with this project if it had gone through the regular process of Planning Board, done all the due diligence, review by attorneys and engineers, and obtained their approval first. At present, there are so many unanswered questions, including no knowing the end product. If some negative issue were raised then the Council Chambers would be packed with citizens objecting to a Council that had the audacity to approve bond financing for a project it didn't understand. With so many unanswered questions, Councilmember Lyons cannot go forward at this time with GLOBAL's request.

Supervisor Bloomfield commented that he would like to see this project go, but it just came to him a few weeks ago. He believes it should go through the regular review process if it wants Town approval.

Town Attorney Morgan noted that it might not be necessary to pass a resolution or negative resolution. GLOBAL can be given time to respond to your specific questions, and to appear before the Planning Board. Supervisor Bloomfield stated that he understood that GLOBAL had a time deadline for the public hearing of the end of this calendar year, and with only one Regular Meeting between now and then, on December 14th, the setting of the public hearing would have to be done immediately. Councilmember Canterino also mentioned that the Council felt a responsibility to inform GLOBAL of its views so as not to waste their time.

B. REQUEST BY PAUL HEALEY TO IMPROVE AND USE A SMALL SPUR OF TOWN LAND ADJACENT TO HIS RESIDENCE.

(Mrs. Healey notified Council that Mr. Healey was delayed, and requested that Council return to this item when he arrives. Council agreed.)

C. DISCUSSION REGARDING HIRING AN ATTORNEY FOR PLEA BARGAINING SERVICES IN LIEU OF STATE POLICE.

Supervisor Bloomfield was asked by Judge Cione for the Council to consider hiring an attorney to do the plea bargaining, since the State Police are no longer doing that. Councilmember Canterino added that the State has discontinued the practice of the State Police negotiating a plea down of tickets they've issued themselves, because they've been acting as both Prosecution and Witness. Some towns have hired attorneys to prosecute or plea down these tickets. The people coming to trial are not represented properly.

Supervisor Bloomfield stated that last week he witnessed several hours of court and saw that there were defendants whose cases were dismissed because the Officer did not show up, and there were others who were fined because the Officer was present. It was the luck of the draw, which is a concern for the system. Town Attorney Morgan stated that the new Governor and Legislature might be addressing this some time in the new year. Also the fines from the offenses would go into the Town coffers rather than to the State Police. Supervisor Bloomfield will ask the Town Justices to attend the next work session on December 14th to inform them further on this matter. In the meantime, Supervisor Bloomfield will collect three bids from area attorneys for this service to get an idea of price range, because it may be many months before the State gov't takes action on this. This problem does not exist with local Town Police.

D. ANY OTHER ITEMS OF INTEREST TO THE COUNCIL.

(1) Supervisor Bloomfield reported that Councilmember Newbold has been working on a solution to the Salesian property fence problem. The metal fence top ends in a spear shape, and two deer have been impaled on sections while trying to jump over the fence. One solution is to weld a metal horizontal bar across the entire top and the second is to cut off all the metal spikes. Supervisor Bloomfield does not believe either one would be very expensive. Supervisor Bloomfield also met with Mayor Wohl regarding the concrete stairs to nowhere. The Mayor suggests leveling/demolishing the stairs for safety, to the level where a fence surrounding it is not needed. The cost may be an issue. Supervisor Bloomfield will try to get a cost for the job and bring it to the next meeting.

Councilmember Newbold warned Council not to let the foundation stones or the old brick on the property be taken away by anyone. Both the stone and the brick are valuable and can be sold. There may be some work that Town and Village DPW can do.

(2) Supervisor Bloomfield announced that Scotchtown Water District was ready to go according to Brian, except the current owner is dealing with back taxes. As soon as attorneys work that out, the Town will close on the property.

(3) Councilmember Lyons asked who was working on the Arcadia Hills Stop Signs now that its been approved. Supervisor Bloomfield suggested Councilmember Lyons work with Councilmember Cappella to move that forward.

REGULAR MEETING

A. CALL TO ORDER.

Supervisor Bloomfield called the regular meeting of the Town Board of the Town of Goshen to order at 8:25 pm. Councilmember Canterino led the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA. None.

C. PRIVILEGE OF THE FLOOR (agenda items only). None.

D. COUNCIL MEMBER MONTHLY REPORTS.

(1) Councilmember Newbold reported on the beaver problem at Arcadia Hills. He contacted a specialist to discuss options. They can be relocated or eliminated. The problem should be resolved in a week or so, one way or the other. Supervisor Bloomfield informed all that the beavers pose a health threat in that they

carry diseases, and their dams cause water to rise above the well heads. The solution won't cost the Town anything according to Councilmember Newbold.

(2) Councilmember Lyons reported that all Officers have been trained in the "Right to Know" laws. There has been an increase in accidents involving deer. All the radar units have been recertified with the State. Three stolen vehicles have been recovered. All citizens are reminded to be cautious during the hunting season underway.

(3) Councilmember Canterino reported that Budget Officer Bill Standish would be plugging figures into the five-year plan now that his work on the 2007 budget is complete. Regarding Recreation, a copy of their budget is available. There are six parks now including Salesian which cost approx. \$61,000 absent personnel and administration. The Village pays half of this amount.

(4) Supervisor Bloomfield reported that the Town closed on the purchase of the Rhodes property today, and will close on the Knoell property in early January 2007. He met with Mayor Wohl of the Village regarding Salesian, and had a good productive discussion. The Supervisor sent a letter to Annie Rabbitt requesting that she search for funds to replace a Highway Dept. truck that is rotting out. Recently, he signed a Notice to Proceed on the Hambletonian Park Water Line project. SITA, the winning bidder, has ten days to start work once they sign the contract tomorrow. Lastly, the Supervisor has called the DEC several times to keep abreast of the MTBE issue.

E. OLD BUSINESS.

Councilmember Newbold made a motion to approve the following minutes:
Council Meetings of October 26, 2006 and November 9, 2006
Work Session of November 6, 2006

Councilmember Canterino seconded the motion. Councilmember Lyons noted that the revised page 8 of the October 26th minutes needs to be inserted in the final version, and that the typo on page 6 be corrected from "\$600,00_" to \$600,000. The minutes as corrected were unanimously approved.

F. NEW BUSINESS.

(a) RESOLUTION: Relevy of Unpaid Water and Sewer Charges.

**TOWN OF GOSHEN, COUNTY OF ORANGE, STATE OF NEW YORK
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 2007 real property tax rolls:

Levy of Unpaid Utilities:

Hambletonian Park	District 1 Water	Amount:	\$35,750.65
"	District 1 Sewer	Amount:	\$11,587.42
		Subtotal	\$47,338.07
Arcadia Hills	District 2 Water	Amount:	\$73,021.27
"	District 2 Sewer	Amount:	\$44,027.31
		Subtotal	\$117,048.58
Stone Hedge	District 3 Water	Amount:	\$4,218.08
		Subtotal	\$4,218.08
TOTAL LEVY OF UNPAID UTILITIES FOR 2006			\$168,604.73

Levy of Meter Installation:

Hambletonian Park	District 1 Water	Amount:	\$5,675.00
Arcadia Hills	District 2 Water	Amount:	\$8,761.00
TOTAL LEVY OF UNPAID METER INSTALLATION 2006			\$14,436.00

On a motion by Councilmember Lyons, seconded by Councilmember Canterino, the resolution was adopted on a vote of 4 Ayes, 0 Nays.
The Supervisor declared this resolution adopted.
Dated: November 20, 2006

Councilmember Newbold, who suggested a better solution be found to recover delinquent amounts, initiated discussion on this item. He felt it unfair that those who pay their bills on time, are burdened by those who do not. Although the funds are eventually recovered by adding past due amounts to the individuals' tax bills, the district is short funds during the interim and has to borrow money to cover its bills. Supervisor Bloomfield noted that being delinquent may be a benefit to customers because having the overdue water bill amount added to their tax bill may make it tax deductible along with the property tax portion of the bill. Supervisor Bloomfield suggested that he and Councilmember Newbold work together to investigate solutions such as late fees, and bring the item back to the Council at a later date. Councilmember Newbold agreed.

(b) RESOLUTION: Appointment of Jacobowitz and Gubits to represent the Town in defense of the tax certiorari proceeding # 5499/06: Dana Distributors, Inc.

**TOWN OF GOSHEN, COUNTY OF ORANGE, STATE OF NEW YORK
RESOLUTION
CERTIORARI PROCEEDINGS**

BE IT RESOLVED, that the Town Council of the Town of Goshen hereby appoints Jacobowitz and Gubits, LLP, to represent the Town in defense of the tax certiorari proceedings commenced against the Town for the 2006-07 tax year by the following:

Dana Distributors, Inc. - Index Number 5499/06

On a motion by Councilmember Newbold, seconded by Councilmember Lyons, the resolution was adopted on a vote of 4 Ayes, 0 Nays.
The Supervisor declared this resolution adopted.
Dated: November 20, 2006

A brief discussion on this item resulted in Town Attorney Morgan agreeing to have the lead attorney on this case from his firm, call the Town Supervisor to provide an update on this case for the next meeting.

(c) RESOLUTION: Hire Susan K. Varden as secretary to the Town of Goshen Planning Board and Environmental Review Board.

**TOWN OF GOSHEN, COUNTY OF ORANGE, STATE OF NEW YORK
RESOLUTION
APPOINTING PLANNING BOARD AND
ENVIRONMENTAL REVIEW BOARD CLERK**

Introduced by: Councilmember Canterino
Seconded by: Councilmember Lyons
Date of Adoption: November 20, 2006

WHEREAS, the Planning Board and the Environmental Review Board have received the application of Susan Varden to fill the position of Clerk to the Planning Board and to the Environmental Review Board to take and transcribe meeting minutes; and

NOW THEREFORE BE IT RESOLVED that the Town hereby appoints Susan Varden as Clerk to the Planning Board and the Environmental Review Board to take and transcribe meeting minutes at a part time hourly rate of \$11.80 per hour effective November 20, 2006.

Vote: Resolution carried by a vote of 4 Ayes to 0 Nays
The Supervisor declared this resolution adopted.

Brief discussion on this item resulted in the Supervisor agreeing to ask Neal Halloran, the Building Inspector, to invite Ms. Varden to a Council Meeting so that Councilmember could meet the new employee.

(d) RESOLUTION: Hire Karen Schneller-McDonald as consultant to the Planning Board.

**TOWN OF GOSHEN, COUNTY OF ORANGE, STATE OF NEW YORK
RESOLUTION**

APPOINTING PLANNING BOARD CONSULTANT

Introduced by: Councilmember Lyons
Seconded by: Councilmember Canterino
Date of Adoption: November 20, 2006

WHEREAS, the Planning Board has requested the Town hire a Planning Board Environmental Consultant to assist the Planning Board in its SEQR review of applications; and

WHEREAS, the Town has determined to hire Karen Schneller-McDonald as Planning Board Environmental Consultant.

NOW THEREFORE BE IT RESOLVED that the Town hereby retains Karen Schneller-McDonald as the Planning Board's Environmental Consultant at an hourly rate of \$80.00 per hour effective November 20, 2006.

Vote: Resolution carried by a vote of 4 Ayes to 0 Nays.
The Supervisor declared this resolution adopted.

Brief discussion on this item consisted of a review of Ms. Schneller-McDonald's resume, which Council considered impressive.

G. FINANCE

Supervisor was authorized to pay Voucher #2006-2708 to Voucher #2006-2788 amounting to \$213,141.43, as well as Voucher #2006-2331 in the amount of \$20.

Motion to approve was made by Councilmember Canterino and seconded by Councilmember Lyons.

Motion passed on a vote of 4 Ayes to 0 Nays.

H. PRIVILEGE OF THE FLOOR.

Councilmember Newbold initiated discussion about the seemingly increased involvement of the Sheriff's Department in Town incidents, such as issuing traffic tickets and responding to accidents on Town roads.

Councilmember Lyons stated that his understanding is that the County Sheriff responds to calls for aid from Town Police or State Police, but does not routinely patrol the roads. Councilmember Lyons will ask Chief Marsh for information on this matter and inform Council.

Leslie Cosgrove, Reporter for the Chronicle, asked the Supervisor for additional information on Global Country of World Peace plans and mission, as well as clarification on the problem with beavers in Arcadia Hills.

I. ADJOURNMENT OF THE REGULAR MEETING

The regular meeting was adjourned at 9:00 pm, and Work Session reopened upon Motion made by Councilmember Lyons, seconded by Councilmember Canterino.

WORK SESSION

Continued from earlier - Work Session item B

REQUEST BY PAUL HEALEY TO IMPROVE AND USE A SMALL SPUR OF TOWN LAND ADJACENT TO HIS RESIDENCE.

Paul Healey displayed a survey of his residential property, S-B-L # 9-1-16, and a map of the road spur at the end of Stone Hedge Drive that terminates at his property line. This spur is one of two exits from Mr. Healey's property, and is in disrepair due to non-use. The spur may be a Town access to the water easement on Healey's property. Mr. Healey wishes to improve and maintain the spur at his cost, or encourage the Town to do so. Councilmembers decided that the situation needed to be explored further with Highway and Water Department staff. This will be done and the matter will be discussed at the December 11, 2006 Work Session.

EXECUTIVE SESSION

Upon Proper MOTION, made by Supervisor Bloomfield, seconded by Councilmember Canterino, the Town Board entered into Executive Session to discuss a personnel issue without intent to return. Passed unanimously.

Time: 9:15 pm

Respectfully submitted by:

Susan Maysels
Deputy Town Clerk

STATE OF NEW YORK }
 :SS. }
COUNTY OF ORANGE }

I, Valma Eisma, Town Clerk of the Town of Goshen, New York, do hereby certify that the foregoing is a true and exact copy of a Resolutions adopted by the Town Board of the Town of Goshen, New York at a meeting of said Board held on November 20, 2006.

Valma Eisma, Town Clerk

(TB 10.26.06min)