

TOWN OF GOSHEN
TOWN BOARD WORK SESSION
FEBRUARY 9, 2009
MINUTES

A work session of the Town Board of the Town of Goshen was held on the 9th day of February, 2009 at 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

The meeting was called to order by Supervisor Bloomfield at 7:34pm.

1. RESOLUTION TO APPROVE LOCAL LAWS #1 AND #2 OF 2009

This item was tabled to the February 12, 2009 meeting. The Town is waiting for a response from the County Planning Dept. on this matter.

2. MOTION TO CORRECT AND CLARIFY THE BUILDING, PLANNING AND ZONING FEE SCHEDULE APPROVED ON 1/22/2009.

Supervisor Bloomfield clarified one of the questionable fees listed on the modification to the Building and Zoning Fees Schedule presented at the 1/22/2009 Town Board meeting. The Above Ground Pools Permit fee reads as follows: \$105.00 plus \$5.00/1000. This translates to \$5.00 per every \$1,000 of construction. Supervisor Bloomfield made the motion to accept the aforementioned clarification. Councilman Newbold seconded the motion. Motion carried unanimously.

3. CITIZENS CAMPAIGN FOR THE ENVIRONMENT CANVASSING IN TOWN OF GOSHEN 2/3/2009 THRU 5/3/2009 BETWEEN 4:00PM AND 9:00PM

Citizens Campaign for the Environment (CCE) conducts a full time canvass throughout NYS. Since they are a registered charitable organization, the Supreme Court has ruled that registration with local officials is not mandatory. However, as a good faith effort, the Town of Goshen received a list of names of all the people who will be doing the canvassing each day with their time

schedule. The Town Police Department was notified and an announcement was published in the local newspaper.

4. RIDDICK ASSOCIATES FEE SCHEDULE CHANGE FOR 2009

Supervisor Bloomfield referenced a memo he received on 1/6/2009 from Riddick Associates, P.C. regarding their hourly billing rate detailing professional fees and direct expenses.

Councilman Lyons questioned #8 under General Conditions in the Addendum To Proposals. Item #8 reads as: *"The client agrees to limit the Engineer's liability to the client and to any and all construction contractors and sub-contractors on projects performed under this agreement, due to the Engineer's negligent acts, errors or omissions, such that the total aggregate liability to all those named, shall not exceed \$50,000 or the Engineer's total fee for services rendered under this agreement for the calendar year."* He feels that this is written as self-serving and will not protect the interest of the Town.

Attorney Caplicki advised the Town Board to strike #8, for the Town will not agree to any limitation liability. Riddick Associates, P.C. will be notified of this change. Councilman Newbold suggested that a request be made to Riddick Associates, P.C. to submit their fee schedule before the Town proposes the budget for 2010, to incorporate increases if need be.

Councilman Cappella made the motion to accept Riddick Associates, P.C. 2009 Fee Schedule, striking item #8 listed on the Addendum To Proposals page. Councilman Lyons seconded the motion.

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

5. RESOLUTION TO APPROVE INTER-MUNICIPAL AGREEMENT BETWEEN ORANGE COUNTY AND THE TOWN OF GOSHEN FOR INTEROPERABLE COMMUNICATIONS PROJECT

Councilman Canterino stated that this is a communication agreement of no cost to the Town. The purpose of this Agreement is set forth in terms by which timely, direct, two-way communication between the Orange County Department of Emergency Services and the participating public safety disciplines may be established in the interest of increased interoperability between allied public safety agencies and the improved delivery of public safety services. The County received a Homeland Security Grant to update all emergency related equipment, contacts and shared technologies. Supervisor Bloomfield called for a Resolution.

RESOLUTION

Approval of Inter-Municipal Agreement between the County of Orange and the Town of Goshen with respect to Orange County Interoperable Communication Project

INTRODUCED BY: Councilman Kenneth Newbold

SECONDED BY: Councilman Philip Canterino

DATED: February 9, 2009

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 9th day of February, 2009;

WHEREAS, Orange County and the Town of Goshen recognize the need to be able to communicate effectively and immediately with all of its public safety and special emergency response agencies, as well as those agencies in other jurisdictions that may arrive to assist, and

WHEREAS, Orange County has applied for and received a Homeland Security Grant to provide for interoperable communications to local emergency responders and other local officials within Orange County, and

WHEREAS, the County will provide for the consultation, assessment and implementation of communication solutions and equipment, and

WHEREAS, it is in the best interests of citizenry of the Town of Goshen to participate with the County of Orange pursuant to an Inter-Municipal Agreement with respect to said activities, and

NOW, THEREFORE BE IT RESOLVED, that the annexed Inter-Municipal Agreement between the County of Orange and the Town of Goshen with respect to interoperable communications be approved and that the Supervisor of the Town of Goshen is authorized to sign same on behalf of the Town of Goshen.

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.

STATE OF NEW YORK)

.:SS.

COUNTY OF ORANGE)

I, Valma Eisma, Town Clerk of the Town of Goshen, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Town Board of the Town of Goshen at a meeting of said Board held on 9th day of February, 2009.

Valma Eisma

6. RESOLUTION IN OPPOSITION TO CREATION OF A NEW "MOBILITY TAX"

Supervisor Bloomfield read from a letter received from Steven Neuhaus, Town of Chester Supervisor: "Recently, a proposal made by the Ravitch Commission called for creating a new "mobility tax" on all employers in the 12 county MTA Region, including Orange County, to help bail out the fiscally troubled MTA. This tax is nothing less than an income tax which will add to the already high cost of living and prove detrimental for doing business in our region." "While the MTA is being faced with declining revenues and rising costs the "mobility tax" seems like an easy way out. However, Orange County is facing these same troubles. The Town of Chester is facing these same troubles. Every resident is facing these same troubles. It is time that we take a stand against this. It is time that the MTA takes responsibility like all residents of the state by reigning in spending and cutting costs."

There was a strong consensus from the Board members that the Ravitch Commission proposals would present an unwelcome, unbearable and unnecessary hardship to the people and should be opposed. Supervisor Bloomfield called for a Resolution.

**TOWN OF GOSHEN
RESOLUTION**

RESOLUTION IN OPPOSITION TO CREATION OF A NEW "MOBILITY TAX"

INTRODUCED BY: Councilman George Lyons

SECONDED BY: Councilman Philip Canterino

DATED: February 9, 2009

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 9th day of February, 2009;

WHEREAS, the Ravitch Commission has proposed tolls on East River Bridges, a more modest fare increase and the creation of new "mobility tax" to be applied in all 12 counties in the MTA region. Conceived as an excise tax to be imposed on all employers (and self-employed individuals), the tax will be equal to one third of 1% of all wages paid (measured by the current FICA tax base.) and

WHEREAS, this is in effect, a payroll tax that would be applicable to all businesses, for profit and not for profit, as well as governments, whose employees pay into Medicare (FICA), and

WHEREAS, Orange County is one of the five (5) counties in the Hudson Valley that is within the MTA jurisdiction and will be subject to the Mobility "Payroll Tax", and

WHEREAS, the Town residents and businesses already contribute to five other taxes and/or fees to the MTA (sales tax, petroleum business tax, mortgage recording tax, a phone bill surcharge and maintenance of Metro North parking stations through charges to the County), and

WHEREAS, one of the recommendations of the Commission was to move all Registrar of Vital Statistics duties to the County Level under the direction of the New York State Health Commissioner; and

WHEREAS, the local Registrars throughout New York State, but especially in the Town of Goshen provide residents with efficient, individualized services at a reasonable cost; and

WHEREAS, in this time of economic hardship, it is inappropriate to require residents from other towns to drive to the County Seat for these services; and

WHEREAS, while in a County the size of Orange (816 sq.mi.) traveling to the county seat from certain communities would be a hardship, in certain other counties (such as Ulster, 1,126 sq.mi.) it would be cost and time prohibitive; and

WHEREAS, the experiment of moving all election responsibilities out of the offices of Town Clerk to the county seats has proven to be of no benefit to the taxpayers whatsoever, the bill for these services submitted by the County to the Town of Goshen for 2008 alone amounted to \$23,019.73; and

WHEREAS, the Registrar in the Town of Goshen charges a \$10.00 fee for any document, such as a death certificate or marriage transcript, an amount that is paid to the Supervisor in the monthly report and is an income for the Town. However, the legislation proposed this year specified that this fee would be raised to at least \$40.00 per document, with the funds going to the County; and

WHEREAS, funeral directors have made clear that the additional costs of travel and fees imposed upon them would be passed on to the grieving families;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Goshen adamantly opposes this proposal to move the Registrar of Vital Statistics duties to the County level, as it would impose a tremendous burden, hardship and disservice to our residents and taxpayers; and

BE IT FURTHER RESOLVED, that a Certified Copy of this resolution be forwarded to Governor David Patterson, State Senator William Larkin, State Assemblyman Anne Rabbit, and to the legislative leadership of both chambers of the New York State Legislature.

The foregoing resolution was duly put to a roll call vote, which resulted as follows:
Douglas Bloomfield, Supervisor AYE Councilman Louis Cappella AYE
George Lyons, Councilman AYE Councilman Philip Canterino AYE
Kenneth Newbold Councilman AYE

VOTE: Resolution carried by a vote of 5 to 0

8. VILLAGE RESPONSE TO TOWN FORGIVING PART OF CITIZEN SEWER BILL IN HAMBLETONIAN PARK

Supervisor Bloomfield explained that several months ago, the Town of Goshen received a letter from a senior citizen in Hambletonian Park. This person received an exorbitant water and sewer bill, in excess of \$9,000 and change. To summarize, there was a water leak in the bathroom when the home was temporarily unoccupied.

Seeking advice, Supervisor Bloomfield consulted with John C. Mellow, Chief of the Federal EPA of NY and Joe Klopchin, Consultant to private and governmental water/sewer districts on this matter. Mr. Mellow explained that the Federal EPA looks at this as if it's water not sewer. We are indemnified against this type of crisis. If Federal money was used to help build the Village sewer plant then the EPA would ask the Village to forgive this charge of excess water into the sewer system.

The Town Board made a determination to forgive a portion on the water part of the bill and asked the Village if they would forgive a portion on the sewer. The Village Mayor responded by letter (dated October 22, 2008) stating, "... the Village does not bill individual users within the town. Therefore, the Village had no means to recognize that the property owner referred to was placing an extraordinarily high amount of flow into the village sanitary sewer system." "Therefore, the village has incurred the cost of treating the flows from this property owner and, in all fairness, should not now be required to absorb this cost." Supervisor Bloomfield was pleased that the Town Board took the proper action for this resident.

9. VILLAGE WATER/SEWER CHARGES FOR ARCADIA HILLS AND HAMBLETONIAN PARK

Supervisor Bloomfield explained that the Town takes monthly meter readings for sewer usage in Hambletonian Park and Arcadia Hills... He compared the annual sewer bills from 2006, 2007 and 2008.

	<u>Hambletonian Park</u>	<u>Arcadia Hills</u>
2006	\$32,647.41	\$50,854.62
2007	\$69,377.04	\$99,854.65
2008	\$154,045.65	\$217,372.74

Supervisor Bloomfield expressed concern about the above amounts billed to the Town. He would like to know the details behind the increases. Since the Town represents about 15% of the Village's total operation, we have no daily information on this. He also questioned the creditability of the non-engineer overseeing the sewer plant operations.

The Town has done everything to save money by improving the infrastructure and it does show less usage on the bill, but we get charged more. The management involved in the day-to-day sewer plant operations hasn't given us information as to the high increased billing. After a lengthy discussion, the Board Members agreed that the increased amounts are outrageous. The bills need to be scrutinized for accountability, accuracy and the validation of operation/maintenance expenses.

On behalf of the residents involved in Hambletonian Park and Arcadia Hills, the following motion was initiated. Councilman Newbold made the motion to hire an auditor to review the charges

incurred to the Town of Goshen's sewer districts of Hambletonian Park and Arcadia Hills for the years of 2006, 2007 and 2008. Councilman Lyons seconded the motion.

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

EXECUTIVE SESSION:

Councilman Canterino made a motion to enter into Executive Session to discuss the following:

1. Current Update of Tax Certiorari and Scars
2. Current Status of Slesinski PDR Conservation Easement Negotiations
3. IWS code 80B Discrepancy Follow Up
4. Town of Goshen Dispute Over Cost of Truck Repair
5. Lubavitch Outreach Center – Response From New York State
6. PBA Negotiation Status
7. Land Donation (2)

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

Time: 8:20PM

Priscilla Gersbeck, Deputy Town Clerk