

**TOWN OF GOSHEN**  
**TOWN BOARD MEETING**  
**August 14, 2014**

**MINUTES**

A Regular Meeting of the Town Board of the Town of Goshen, was held on the 14<sup>th</sup> day of August, 2014 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	Town Attorney
	Valma Eisma	Town Clerk

**A. CALL TO ORDER:**

Supervisor Bloomfield called the meeting to order at 7:30 p.m., and led the Pledge of Allegiance.

**B. AMENDMENT TO THE AGENDA:** Attorney Caplicki stated he would like to add authorization for either he or Supervisor Bloomfield to approve and sign a letter in reference to the Cable TV Franchise.

**C. PRIVILEGE OF THE FLOOR:** No response

**D. PUBLIC HEARING: PROPOSED LOCAL LAW 3 OF 2014 "PROPERTY MAINTENANCE"  
REPLACING EXISTING CHAPTER AND ADDING NEW CHAPTER 75**

Councilman Canterino made a Motion to open the Public Hearing, Seconded by Councilman Newbold. Motion carried unanimously.

Supervisor Bloomfield asked for input from the public. No comments from the public. Councilman Lyons question the Agricultural section of the law, which the Board discussed. Councilman Lyons also questioned the discrepancy of the dates on page three and four of the Law; page three stating 10 days, and Page 4 stating 7 days. Attorney Caplicki said that the number of days is seven (7) and he will correct the discrepancy.

Councilman Lyons moved to close the Public Hearing, Councilman Canterino seconded the Motion. Motion carried 5 to 0.

Councilman Lyons made a Motion to approve and adopt Local Law #3 "Property Maintenance", the Motion was seconded by Councilman Cappella.

Upon a Roll Call Vote:

Supervisor Douglas Bloomfield	<u>AYE</u>	Councilman Philip Canterino	<u>AYE</u>
Councilman Louis Cappella	<u>AYE</u>	Councilman Kenneth Newbold	<u>AYE</u>
Councilman George Lyons	<u>AYE</u>		

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

Councilman Newbold said he would like to recognize Legislator Shannon Wong who is here tonight. The Board welcomed her.

#### E. OLD BUSINESS:

**1. Amendment to the Agenda: Authorize the Supervisor to sign a letter re: waiver 894.**

Attorney Caplicki explained that to enable an area that Time Warner does not service, to be serviced by Cablevision, the Town has to request a waiver from the New York Public Service Commission, from part 894 of the Franchising Procedures.

Attorney Caplicki read the letter to the Board for approval. Councilman Lyons made a Motion to authorize the Supervisor to write a letter to the New York Service Commission requesting the waiver. The Motion was seconded by Councilman Newbold. Motion carried 5 to 0.

**2. Discuss and approve Resolution to authorize the code enforcement officer to have 310 Maple Avenue property cleaned up:** Attorney Caplicki explained that the Resolution is not ready, as the notices were not sent out early enough. After discussing the problem, it was decided to put this on hold until the next work session.

**3. DISCUSS AND APPROVE TAX CERTIORARI SETTLEMENT WITH REALTY EQUITIES GOSHEN LLC AND AUTHORIZE THE SUPERVISOR, ATTORNEY FOR THE TOWN, AND ASSESSOR TO SIGN THE SAME:** Attorney Caplicki reviewed the Tax Certiorari with the Board, and said that this parcel is the old mall where CVS is located. Councilman Newbold made the Motion to approve the Tax Certiorari Settlement, Councilman Lyons seconded the Motion, the Resolution is as follows:

**TOWN OF GOSHEN  
RESOLUTION**

**Settling of Tax Certiorari Litigation: Realty Equities Goshen LLC  
Section 114, Block 5, Lot 15**

**INTRODUCED BY:** Councilman Kenneth Newbold  
**SECONDED BY:** Councilman George Lyons  
**Dated:** August 14, 2014

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 14<sup>th</sup> day of August, 2014;

**WHEREAS**, Realty Equities Goshen LLC has commenced to certiorari proceedings against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for the 2011-2012, 2012-2013, 2013-1014, and 2014 – 2015 tax assessment years bearing Orange County index numbers 7479/11, 5944/12, 6111/13, and /14, and,

**Whereas**, it appears from the recommendation (s) of the Town Assessor, the Office of Real Property of the County of Orange and Dennis P. Caplicki Esq., council for the Town of Goshen in the aforesaid proceedings, and upon a thorough investigation of the claims, that any further proceedings and litigation by the Town would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the above matter (s), as more fully set forth below, is reasonable and in the best interests of the Town; and

**WHEREAS**, Realty Equities Goshen, LLC, is willing to settle these proceedings without interest, costs or disbursements, in the following manner;

**NOW, THEREFORE, BE IT RESOLVED** that the proposed settlement as set forth and described above, and as set forth in the annexed Consent Judgment is hereby accepted pursuant to Section 68 of the Town Law and it is further:

**RESOLVED** that the Assessor of the Town of Goshen, Dennis P. Caplicki Esq. Attorney for the Town of Goshen, and Douglas Bloomfield, Supervisor of the Town of Goshen be and they are hereby authorized to take any and all steps, and sign any and all documents necessary to effectuate the terms of this resolution

Upon Roll Call Vote:

Supervisor Douglas Bloomfield AYE  
Councilman Louis Cappella AYE  
Councilman George Lyons AYE

Councilman Philip Canterino AYE  
Councilman Kenneth Newbold AYE

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

4. **Discuss and Approve Proposed Tax Certiorari Settlement with Erie Murray LLC:** Attorney Caplicki explained that this property is the old Gar Hall, a prior Catholic School. He reviewed the following Resolution with the Board. Councilman Canterino made a Motion to approve the proposed Tax Certiorari Settlement for Erie Murray LLC. Councilman Lyons Seconded the Motion.

**TOWN OF GOSHEN  
RESOLUTION**

**Settling of Tax Certiorari Litigation: Erie Murray LLC**

**SECTION 106, BLOCK 2, LOT 16  
SECTION 106, BLOCK 1, LOT 17**

**INTRODUCED BY: Councilman Philip Canterino  
SECONDED BY: Councilman George Lyons  
DATED: August 14, 2014**

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 14th day of August 2014,

**WHEREAS**, Erie Murray LLC. Has commenced Tax Certiorari proceedings against the Town of Goshen in the Supreme Court of the State of New York, County of Orange for the 2012-2013, 2013-2014, and 2014-2015 tax assessment years bearing Orange County index numbers 05927/12, 05880/13 and 05690/14, and

**WHEREAS**, it appears from the recommendation (s) of the Town Assessor, the Office of Real Property of the County of Orange and Dennis P. Caplicki Esq., for the Town of Goshen in the aforesaid proceedings, and upon a thorough investigation of the claims, that any further proceedings and litigation by the Town would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the outcome and that the settlement of the above matter(s), as more fully set forth below, is reasonable and in the best interests of the Town; and

**WHEREAS**, Erie Murray LLC, are willing to settle these proceedings without interest, costs or disbursements, in the following manner;

**NOW, BE IT THEREFORE RESOLVED** that the proposed settlement as set forth and described above and as set forth in the annexed Consent Order is hereby accepted pursuant to Section 68 of the Town Law and it is further;

**RESOLVED** that the Assessor of the Town of Goshen, Dennis P. Caplicki Esq. Attorney for the Town of Goshen, and Douglas Bloomfield, Supervisor of the Town of Goshen be and they are hereby authorized to take any and all steps, and sign any and all documents necessary, to effectuate the terms of this Resolution.

Upon Roll Call Vote:

Supervisor Douglas Bloomfield AYE  
Councilman Louis Cappella AYE  
Councilman George Lyons AYE

Councilman Philip Canterino AYE  
Councilman Kenneth Newbold AYE

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

**4. APPROVAL OF MINUTES:** The following minutes were approved: Councilman Newbold made a Motion to approve the minutes of the June 9<sup>th</sup> Work Session. The Motion was seconded by Councilman Lyons. Motion carried 4 to 0, with Councilman Cappella abstaining as he was absent that meeting.

Councilman Canterino made a Motion to accept the Regular Meeting of June 12<sup>th</sup>. The Motion was Seconded by Councilman Lyons. Motion carried 4 to 0, with Councilman Newbold abstaining as he was absent for that meeting.

Councilman Newbold made the Motion to approve the Regular Meeting of June 26<sup>th</sup>. The Motion was Seconded by Councilman Cappella. Motion carried 4 to 0 as Supervisor Bloomfield abstained as he was absent for that meeting.

It was decided that the other meetings would be taken up at another meeting as there was a discrepancy in the dates.

**F. NEW BUSINESS;**

**1. INFORMATION: HON. JAMES SKOUFIS, NYS ASSEMBLYMAN REPRESENTING THE 99<sup>TH</sup> DISTRICT, HAS SECURED A \$1,000 GRANT TO ASSIST IN REFURBISHING THE GOSHEN SENIOR CENTER:** Councilman Cappella explained that last year they painted the main hall, and refurbished the bathrooms, foyer, and the other rooms. He said there is a long list of different items that have to be done, and this money will be a big help. He thanked Assemblyman Skoufis for his help.

**G. FINANCE:** Councilman Canterino made a Motion to authorize the Supervisor to pay Manual A/P runs as of 08/04/14 amounting to \$77,353.73 and Accounts Payable Check Run for 8/14/14 amounting to \$479,261.18. Councilman Lyons Seconded the Motion. Motion carried unanimously.

**H. PRIVILEGE OF THE FLOOR:** No response.

**i. ADJOURNMENT:** Councilman Newbold made a Motion to adjourn the meeting, and go into Executive Session, with intent not to return, to discuss the following:

1. Turi Landfill Tax Certiorari Update
2. Discuss w/s Personnel Issue

Councilman Cappella Seconded the Motion. Motion carried 5 to 0.

Time: 8:45 p.m.

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Valma Eisma, Town Clerk