

TOWN OF GOSHEN
TOWN BOARD WORK SESSION
April 25, 2011
MINUTES

A work session of the Town Board of the Town of Goshen was held on the 25th day of April, 2011 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 7:31pm, followed by the Pledge of Allegiance.

1. AUTHORIZE THE SUPERVISOR TO PAY WRIGHT RISK MANAGEMENT COMPANY, INC., \$4,500 FOR WORKERS COMP TAIL CLAIMS 1/1/2010 TO 12/31/2010. THERE WILL BE A \$1,000 COST REDUCTION IN 2011 DUE TO TWO CLOSED CLAIMS.

Supervisor Bloomfield stated that it is time to settle the workers comp tail claims for 1/1/2010 to 12/31/2010. There will be a \$1,000 cost reduction in 2011 due to two closed claims.

Councilman Lyons made the motion to authorize the Supervisor to pay Wright Risk Management Company, Inc., \$4,500 for Workers Compensation Tail claims 1/1/2010 To 12/31/2010.

Councilman Newbold seconded the motion.

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

2. REVIEW PROPOSED LOCAL LAW #1 "PUBLIC ASSEMBLIES AND ENTERTAINMENT"

Attorney Caplicki introduced a draft of the proposed Local Law #1 of 2011, "Public Assemblies and Entertainment". The current Code lacks protective measures for certain activities to take place in the Town. The code addresses a gathering of 200 or more people. This would require an application/permit process to examine particulars to protect the Town and the citizens of the Town. Articles 1 and 2 apply to gatherings of 200 people or more. Article 3 applies to Entertainment

combined into one law. This Local Law will be presented at a Public Hearing and is open for suggestions/revisions if need be. With “event” weather upon us, a code of this nature needs to be quickly addressed.

Neal Halloran, Building Inspector, submitted his review of the Local Law #1. He listed situations which may be considered in need of regulations. He questioned what the distinction is between various uses and three levels to take into account when dealing with a facility that has been approved/not approved for an event.

The Board Members will review the proposed Local Law #1 for comments at the next meeting.

3. REVIEW PROPOSED “EVENT PERMIT” DEVELOPED BY PRISCILLA

Deputy Town Clerk, Priscilla Gersbeck, was asked to design an event permit. She presented to the Board her rationale for the accumulation of information to design a permit. Five handouts were distributed and briefly reviewed the following sections: Six Changes Affecting the Demographics of Goshen, Event Permit-past & present, Permit Progression, samples of codes/permits from canvassing, Present Town of Goshen Codes pertaining to public assemblies and the draft of the proposed event permit application. Her event permit application is designed to *profile* the event in order to avoid interpretation issues.

The Board Members will review the proposed event permit application and comment at the next meeting.

4. JOINT ECONOMIC DEVELOPMENT INITIATIVE, “JEDI” UPDATE

Supervisor Bloomfield informed the Board Members that the first meeting of the Joint Economic Development Initiative (JEDI) is to take place on May 4, 2011 at 7:00PM in the Town Hall. Approximately 60 invitations have been sent out. It was reported in the Chronicle Newspaper that this meeting is open to the public. Even though the public can attend, the meeting is geared for business people, land developers and land use boards. The room can comfortably accommodate around 100 people.

5. AUTHORIZE ACCEPTANCE OF DEDICATION OF CANNON HILL DRIVE, NYTT, INC. AND ACCEPTANCE OF NORTH JERSEY TRUCK & TRAILER DRAINAGE EASEMENTS (4)

This 17M commercial site hasn’t submitted the requested documents for approval. Until the documents are received, the acceptance is postponed.

6. REVIEW REQUEST BY OCCUPATIONS, INC. FOR A COUNTY ROADS FALL FOLIAGE BIKE TOUR, SUNDAY, SEPTEMBER 18, 2011

This bike tour is a fundraiser for children with special needs, the Sanctuary for Animals and The Orange County Land Trust. This will begin and end in Warwick going through roadways in different Towns. Supervisor Bloomfield noted that the estimated number of bikers will be 500 – 1000. He spoke with the Police Chief, who feels that this event will not require extra patrols.

7. STATUS REVIEW OF MEETING WITH HAMBLETONIAN PARK RESIDENTS

A group of about 10-12 Hambletonian Park residents requested a meeting with Supervisor Bloomfield regarding the Bridle Path Easement and extending their water/sewer district into NY Farms aka Heritage Estates. Overall, this was a very positive meeting.

8. SET PUBLIC HEARING FOR THE EXPANSION OF HAMBLETONIAN PARK WATER & SEWER DISTRICTS TO INCLUDE NEW YORK FARMS/AKA HERITAGE ESTATES INC

Councilman Newbold made the motion to hold a Public Hearing (informational with Hambletonian Park) to discuss the expansion of the Water & Sewer Districts for Hambletonian Park to include NY Farms, on Wednesday, May 18, 2011 at the Town Hall at 7:00PM or soon there after.

Councilman Lyons seconded the motion.

Discussion: This meeting is specifically for the residents of Hambletonian Park, but the public is welcome to attend.

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

9. REVIEW WATER/SEWER PRESENTATIONS OUTLINE TO BE PRESENTED WEDNESDAY, APRIL 27TH AT 7:00PM

Supervisor Bloomfield distributed a packet, to the Board Members, of what he will present on Wednesday night. Included in this packet are the rate changes, all of the accomplishments and plans for the future. He requested that the Board Members review this packet.

10. RESOLUTION: SETTLEMENT OF TAX CERTIORARI CLAIM: SECTION 4, BLOCK 1, LOT 94.1, INDEX # 8247-2010

Attorney Caplicki reviewed the contents of the Peter Botti tax certiorari settlement.

**TOWN OF GOSHEN
RESOLUTION**

Settlement of Tax Certiorari Claim; Section 4 Block 1 Lot 94.1; Index No. 8247-2010

INTRODUCED BY: Councilman Philip Canterino

SECONDED BY: Councilman George Lyons

DATED: April 25, 2011

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 25th day of April, 2011;

WHEREAS, Peter Botti has commenced a tax certiorari proceeding against the Town of Goshen in the Supreme Court of the State of New York County of Orange for the 2010-2011 tax assessment year; bearing Orange County Index No. 2010-8247; and

WHEREAS, it appears from the recommendation of the Town Assessor, the Town's Appraiser, and Dennis P. Caplicki, Esq., Counsel for the Town of Goshen in the aforesaid proceeding, that upon a thorough investigation of the claim that further proceedings and litigation with the Town would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the above matter as more fully set forth is reasonable and in the best interest of the Town, and

WHEREAS, Peter Botti is willing to settle this proceeding without interest, cost or disbursement, in the following manner:

1. That the proceeding for the 2010-2011 tax year be compromised and settled by the assessment being reduced to a total amount of \$76,140 for Section 4 Block 1 Lot 94.1.
2. That the petitioner real property taxes for 2010-2011 and the 2011 county and town taxes be adjusted accordingly and that the petitioner be reimbursed for any over payment without interest, if paid within ninety (90) days of Notice of Entry, or be credited with the corresponding decrease in taxes as the case may be.
3. That the petitioner agrees to waive the right to challenge the 2011-2012, 2012-2013 and 2013-2014 real property tax assessments pursuant to RPTL § 727 provided the said assessment of Section 4 Block 1 Lot 94.1 is not increased above an assessment of \$76,140.

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

RESOLVED, that JoAnn Soules, Assessor for the Town of Goshen, and Dennis P. Caplicki, Esq., Attorney for the Town of Goshen, and/or Douglas Bloomfield, Supervisor for the Town of Goshen, are authorized to sign or execute any and all materials and/or documents necessary to effectuate this resolution.

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.

11. DISCUSS TIMES HERALD RECORD ARTICLE REGARDING THE JUSTICE DEPARTMENT COMPTROLLER AUDIT

Supervisor Bloomfield addressed an article published in The Times Herald Record on Friday, April 22, 2011. The article "State audit finds poor accounting in Goshen court" – "Money left unreported to DMV" stated: "*The audit uncovered numerous accounting flaws resulting in thousands of dollars in account deficits and underreported revenue to the state, as well as nearly \$4,400 in unclaimed bail refunds and refunds for over-payments of fines*". Supervisor Bloomfield wanted to let it be known to the Board Members and to the public that he was misquoted in this article. In a previous newspaper article covering the MTB situation he was also misquoted. However, there was a Councilman present during the interview who verified that indeed the reporter misquoted Supervisor Bloomfield. Whereas, with the article published on 4/22/2011, in which there was a one-to-one interview leaving the misquote to hearsay. Supervisor Bloomfield wanted to clarify what he actually said to the auditor at the conclusion of the audit. He asked the auditor how well did the Town of Goshen do or not do? The lead auditor said that this was a good audit and the Town did fine. However there were a few things that needed to be tightened up on, as with any audit. This is what was relayed to the newspaper reporter. Supervisor Bloomfield took offense to what the newspaper reporter quoted him on in the last paragraph. "That's not what I said". "I don't even speak that way."

Going forward, to remedy the potential for article misquotes, Supervisor Bloomfield is requesting that *all* newscasters/reporters who want to talk to the Supervisor on any issue, be invited to come to public meetings and ask their questions during that time.

Attorney Caplicki suggested that Supervisor Bloomfield contact the reporter at the Times Herald Record on this issue.

EXECUTIVE SESSION:

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

1. Status Update Of Sewer Dispute Arbitration
2. Status Update Of Potential Renewal Of Sewer Negotiations With The Village
3. Personnel Case Arbitration
4. Personnel Case

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

Time: 9:10PM

Priscilla Gersbeck, Deputy Town Clerk