

Village Board Meeting
October 27, 2008

Members present: Mayor Weinberger, Trustees Bloom, Fast, Higgins, and Mattheus.

Also present: Acting Village Attorney Donnelly, and Village Clerk Strobl.

Mayor Weinberger called the meeting to order and led those present in the Pledge of Allegiance and a moment of silence to honor the memory of Floyd "Pete" Howell.

On a motion by Trustee Higgins, seconded by Trustee Fast, the Agenda was accepted with the addition of Items of Business #9 – Hire Turner Miller Group, LLC for study of the OBH zone.

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| Bloom | aye |
| Fast | aye |
| Higgins | aye |
| Mattheus | aye |

Mayor Weinberger offered privilege of the floor to speak to the agenda. There were no comments.

Minutes

On a motion by Trustee Higgins, seconded by Trustee Mattheus, the Minutes of the September 8, 2008 Village Board Meeting were accepted as submitted.

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| Bloom | aye |
| Fast | abstain (absent on September 8, 2008) |
| Higgins | aye |
| Mattheus | aye |

On a motion by Trustee Higgins, seconded by Trustee Mattheus, the Minutes of the September 15, 2008 Village Board Work Session were accepted with the following corrections/clarifications made by Trustee Mattheus: she should be referred to as "Trustee" Mattheus rather than "Mrs." Mattheus; p. 2 she "stated" rather than "insisted"; p. 3 she was not able to attend a morning meeting on October 3rd as she would be at work; p. 3 she did not "demand" opportunity to review; and p. 3 the one time the Secretary Pro-Tem refers to her as "Trustee" it should be with a capital "T".

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| Bloom | abstain (absent on September 15, 2008) |
| Fast | abstain (absent on September 15, 2008) |
| Higgins | aye |
| Mattheus | aye |
| Weinberger | aye |

On a motion by Trustee Mattheus, seconded by Trustee Bloom, the Minutes of the September 22, 2008 Village Board Meeting were accepted as submitted.

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| Bloom | aye |
| Fast | aye |
| Higgins | abstain (absent on September 22, 2008) |
| Mattheus | aye |

On a motion by Trustee Higgins, seconded by Trustee Fast, the Minutes of the October 6, 2008 Village Board Work Session were accepted with the following clarification by Trustee Mattheus: p. 1 pp. 12 – the Board will allow banners to be hung for the Bicentennial as a special event, although they are in violation of Village code.

Bloom aye
Fast aye
Higgins aye
Mattheus aye

Communications

Mayor Weinberger noted receipt of a letter of resignation from Jonathan Harter of the Department of Public Works.

On a motion by Trustee Bloom, seconded by Trustee Mattheus, the resignation was accepted with regret.

Bloom aye
Fast aye
Higgins aye
Mattheus aye

Mayor Weinberger reviewed a letter from the Women of St. James' Episcopal Church requesting permission to place a sign on the Village green.

On a motion by Trustee Higgins, seconded by Trustee Fast, permission was granted.

Bloom aye
Fast aye
Higgins aye
Mattheus aye

On a motion by Trustee Higgins, seconded by Trustee Bloom, bills as examined by members of the Board were approved in accordance with Abstracts 08/09, 12-16, numbers 33558 through 33616 in the amount of \$380,733.99, numbers 33617 through 33628 in the amount of \$17,084.98, numbers 33629 through 33664 in the amount of \$149,431.74, numbers 33681 through 33738 in the amount of \$319,363.78, and numbers 33739 through 33751 in the amount of \$16,094.36, for a grand total of \$882,708.85.

Bloom aye
Fast aye
Higgins aye
Mattheus aye

Items of Business

Trustee Bloom moved the following, which was seconded by Trustee Fast:

WHEREAS, The Village of Goshen owns property designated as:

13-1-32.61
15-1-8
15-1-48
15-1-50
61-1-43

AND, WHEREAS, the above described property is used by the Village of Goshen for water supply purposes for its residents and others who use State and County facilities within the Village, and

WHEREAS, the County Legislature has exempted the described properties from County Taxation in years past,

NOW, THEREFORE, BE IT RESOLVED, that the Village of Goshen is requesting the Legislature of Orange County to exempt the described property from County taxation, for the year 2010, in view of its use for municipal purposes.

Bloom aye
Fast aye
Higgins aye
Mattheus aye

Trustee Fast offered the following Resolution, and moved its adoption:

WHEREAS, the Board of Trustees must designate by Resolution and publish the offices which are to be filled in the Village election, and the terms thereof;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Goshen designates the following offices vacant at the end of the current official year, to be filled at the Village election to be held on March 18, 2009, for the following terms:

One (1) Mayor for two years
Two (2) Trustees for two years

IT IS FURTHER RESOLVED, that the Village Clerk is hereby directed to publish this Resolution in full in the Goshen Independent. This Resolution will take effect immediately.

The foregoing Resolution was seconded by Trustee Mattheus, and a vote resulted as follows:

Bloom aye
Fast aye
Higgins aye
Mattheus aye

Trustee Bloom moved the following, which was seconded by Trustee Higgins:

WHEREAS, the County of Orange, pursuant to the Community Development Block Grant Program, has heretofore awarded a grant to the Village of Goshen for \$65,000 from a joint application with the Town of Goshen for the removal of architectural barriers at the Village of Goshen Village Hall;

NOW, THEREFORE, IT IS HEREBY,

RESOLVED, that the Mayor is hereby authorized to execute the municipal agreement prepared by the County of Orange for the purpose of effectuating the foregoing grant.

Upon a roll call vote with 4 Trustees voting in favor and 0 voting against, the resolution was duly adopted.

Trustee Fast moved the following, which was seconded by Trustee Higgins:

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that town and village justices annually provide their court records and dockets to their respective town and village auditing boards, and that such records then be examined or audited and that fact be entered into the minutes of the board's proceedings; and

WHEREAS, the Unified Court System's *Action Plan for the Justice Courts*, announced November 2006, includes initiatives to improve accountability and controls over Justice Court finances and records, including an increased monitoring of town and village board compliance with section 2019-a; and

WHEREAS, the Village Board of the Village of Goshen entered into an agreement with Michael Vernieri, CPA, on August 22 for an audit of the records of the Village of Goshen Justice Court; now, therefore

BE IT RESOLVED, that the Village Board of the Village of Goshen acknowledges that the required audit has been conducted.

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| Bloom | aye |
| Fast | aye |
| Higgins | aye |
| Mattheus | aye |

On a motion by Trustee Fast, seconded by Trustee Bloom, Cynthia Cecconello is hereby authorized to attend the Lake Management seminar training course, to be held October 29, 2008, at Rutgers University in New Brunswick, NJ. Total cost of registration will be \$225.00, and 5 contact hours will be awarded.

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| Bloom | aye |
| Fast | aye |
| Higgins | aye |
| Mattheus | aye |

On a motion by Trustee Fast, seconded by Trustee Higgins, Joshua Bell and Brian Ritchings are hereby authorized to attend the Basic Operations Wastewater Operator Certification course, to be held December 1, 2008 through December 12, 2008. The course is being offered at the Morrisville State College in Morrisville, NY and total cost of registration for both employees will be \$1,800.00

Bloom aye
Fast aye
Higgins aye
Mattheus aye

Acting Village Attorney Donnelly gave an explanation of the Bond Resolution authorizing purchase of a 450,000 gallon water storage tank constructed by Harness Estates,LLC, as agreed to in the amended Stipulation of Settlement of December 7, 2004.

EXTRACT OF MINUTES

Meeting of the Village Board of the Village of Goshen in the County of Orange, New York, October 27, 2008.

A regular meeting of the Village Board of the Village of Goshen, in the County of Orange, New York, was held in the Village Hall on October 27, 2008.

There were present:

Honorable Robert Weinberger, Mayor

Trustees: Susan Bloom
 Susan Fast
 John Higgins
 Marcia B. Mattheus

There were absent:

There were present: Margaret Strobl, Village Clerk and

 Michael H. Donnelly, Acting Village Attorney

Trustee Higgins offered the following resolution and moved its adoption;

Trustee Bloom seconded its adoption. It was duly put to a vote on roll call which

resulted as follows:

| | Aye | No | |
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| Mayor Robert Weinberger | X | | |
| Susan Bloom | X | | |
| Susan Fast | | | Abstain |
| John Higgins | X | | |
| Marcia B. Mattheus | | X | |

The resolution, having received at least two-thirds vote of the members of the Village Board, was declared by the Mayor to be adopted.

BOND RESOLUTION OF THE VILLAGE OF GOSHEN, ADOPTED October 27, 2008, AUTHORIZING PURCHASE OF A 450,000 GALLON WATER STORAGE TANK, STATING THAT THE MAXIMUM COST THEREOF IS \$375,000.00, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$375,000.00 SERIAL BONDS TO FINANCE SAID APPROPRIATION

WHEREAS, all condition precedent to the financing of the capital project hereinafter described have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;

NOW THEREFORE,

BE IT RESOLVED BY THE VILLAGE BOARD OF THE VILLAGE OF GOSHEN IN THE COUNTY OF ORANGE, NEW YORK, (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Village is hereby authorized to purchase a 450,000 gallon water storage tank constructed by Harness Estates, LLC, according to the specifications provided in a certain public improvement security agreement entered into between that entity and the Village of Goshen. The tank has now been installed and it is confirmed to be functioning pursuant to all required specifications and, pursuant to the terms of an amended stipulation of settlement dated December 7, 2004, Harness Estates, LLC is entitled to be paid the fair and reasonable cost of the design, construction and installation of the aforementioned water storage tank and that amount, \$375,000.00 is hereby appropriated therefore. The plan of financing is the issuance of \$375,000.00 serial bonds to finance said appropriation and the levy of a tax on all taxable real property within the Village to pay the principal of said bonds and interest thereon as the same shall be due and payable.

Section 2. Serial bonds in the principal amount of \$375,000.00 are hereby authorized to be issued pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

a) The period of probable usefulness applicable to the purpose for which said serial bonds herein authorized are to be issued, within the limitations of Section 11.00 (a)(1) of the Law, is fifteen (15) years.

b) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

c) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied toward expenditures made after the effective date of this resolution for the purpose of which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 4. The bonds authorized by this resolution and any bond anticipation notes in anticipation of the sale of said bonds, shall contain the recital of validity prescribed by Sec. 52.00 of the Law and said bonds and any notes issued in anticipation of such bonds, shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the taxable real property within the Village without limitation of rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of the interest of said bonds and any notes issued in anticipation of said bonds, and provisions shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and notes to mature in each year and (b) the payment of interest to be due and payable in each year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Sec. 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, and of Sec. 30.00 relative to the authorization of the issuance of bond anticipation notes and of Sec. 50.00 and Sec. 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Village Board relative to authorizing bond anticipation notes and prescribing the terms, from and contents as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes,

and relative to providing for substantially level or declining annual debt service, are hereby delegated to the Village Mayor, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose of which the Village is not authorized to expend money, or
- (b) the provisions of the law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

Section 8. The object or purpose described in Section 1 hereof was subject to all required review pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act by the Planning Board during the subdivision review that led to the authorization to construct the water storage tank in question.

Trustee Higgins offered the following resolution and moved its adoption:

RESOLVED BY THE VILLAGE BOARD OF THE VILLAGE OF GOSHEN IN THE
COUNTY OF ORANGE, NEW YORK AS FOLLOWS:

Section 1. The Village Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in THE GOSHEN INDEPENDENT, a newspaper published in Goshen, New York, the official newspaper of said Village and having a general circulation therein, together with Notice attached in substantially the form as prescribed by Sec.81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

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The adoption of the foregoing resolution was seconded by Trustee Bloom and duly put to a vote on roll call, which resulted as follows:

AYES: [3] NOES: [1] ABSTAIN: [1]

This resolution was declared [unanimously] adopted.

NB: Although the above resolution was declared adopted, it was determined on October 28, 2008 that the aye votes did not constitute two-thirds of the Village Board.

Trustee Fast said she could not vote for the resolution without knowing whether funding would be from the General Fund or the Water Fund, and that the public had a right to know the answer.

Trustee Mattheus said that she didn't feel the money should be paid until the pump station is up and running.

On a motion by Trustee Fast, seconded by Trustee Bloom, authorization is hereby given for the creation of two (2) Part-time Court Attendant positions with the County of Orange Department of Personnel, at a salary of \$12.34 per hour each, to be under the supervision of the Village Justice.

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| Bloom | aye |
| Fast | aye |
| Higgins | aye |
| Mattheus | nay |

On a motion by Trustee Higgins, seconded by Trustee Bloom, John R. Conklin and Louis A. Reyes are hereby appointed to the duties of Part-time Court Attendant, for the Village of Goshen Justice Department, at a salary of \$12.34 per hour.

These appointments are effective upon successful completion of pre-employment physical exams, and pre-employment paperwork; and include a probationary period of six months.

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| Bloom | aye |
| Fast | aye |
| Higgins | aye |
| Mattheus | aye |

Trustee Mattheus moved the following, which was seconded by Trustee Fast:

WHEREAS, the Village of Goshen has enacted Local Law # 1 of 2008, imposing a moratorium on development in the Village's OBH zoning district; and

WHEREAS, the Village desires to now move forward to consider possible changes to the uses allowed in the OBH zoning district;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Goshen shall retain the services of Turner Miller Group, LLC, for the purpose of providing planning recommendations for such possible rezoning, at a cost not to exceed \$20,000.

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| Bloom | aye |
| Fast | aye |
| Higgins | aye |
| Mattheus | aye |

Trustee Fast noted the positive aspect of this decision as the Village will have continuity in using its current planner.

Trustee Mattheus affirmed the decision as fulfilling the Board's obligation to keep moving in good faith.

Trustees' Reports

Trustee Higgins reported on recent activities of Joint Recreation including the successful Halloween Party held at Land of Goshen Park.

Trustee Higgins asked that the Board again address the Halloween curfew issue which was voted down at the September 22nd meeting.

Trustee Higgins moved, and Trustee Fast seconded the following:

The Village of Goshen will institute a 9:00 p.m. to 6:00 a.m. Halloween Curfew for Friday, October 31, 2008 – Saturday, November 1, 2008.

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| Bloom | aye |
| Fast | aye |
| Higgins | aye |
| Mattheus | aye |

Trustee Fast reported that replacements at the wastewater treatment plant were going smoothly.

Trustee Bloom announced that a malfunction with some of the downtown parking meters is being addressed. She also reported on a recent meeting regarding traffic problems at the Intermediate School.

Trustee Mattheus stated that a 6" water main was tapped for a new house on Fletcher Street, and the reservoir is currently -38". She also said that last week's meeting with the Town Board went well, and that she supported the concept of more joint meetings.

Citizens' Comments

Comments were received from Daniel McMann and Ray Rooney.

On a motion by Trustee Bloom, seconded by Trustee Mattheus, the meeting was adjourned at 9:05 p.m.

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| Bloom | aye |
| Fast | aye |
| Higgins | aye |
| Mattheus | aye |