

Village Board Meeting
November 10, 2008

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

Absent: Trustee Mattheus.

Also present: Attorney Donovan, Chief Watt, Superintendent Nuzzolese, and Village Clerk Strobl.

Mayor Weinberger led those present in the Pledge of Allegiance, and requested a moment of silence in honor of all Veterans.

On a motion by Trustee Higgins, seconded by Trustee Fast, the agenda was accepted as submitted.

Bloom	aye
Fast	aye
Higgins	aye
Mattheus	absent

Mayor Weinberger offered privilege of the floor to speak to the agenda. Anthony Brescia questioned Item of Business #4 – the Resolution regarding Center Street survey and appraisal. Mayor Weinberger explained that questions could be asked during citizens' comments.

Minutes

On a motion by Trustee Higgins, seconded by Trustee Bloom, the Minutes of the October 27, 2008 Village Board Meeting were accepted as submitted.

Bloom	aye
Fast	aye
Higgins	aye
Mattheus	absent

On a motion by Trustee Higgins, seconded by Trustee Bloom, the Minutes of the November 3, 2008 Village Board Work Session were accepted, with the following clarification from Mayor Weinberger: the motion to adjourn the work session at 8:15 p.m. included adjournment from the Executive Session.

Bloom	aye
Fast	aye
Higgins	aye
Mattheus	absent

Communications

On a motion by Trustee Bloom, seconded by Trustee Fast, bills as examined by members of the Board were approved in accordance with Abstract 08/09, 17, numbers 33752 through 33791 in the amount of \$70,420.94.

Bloom	aye
Fast	aye
Higgins	aye
Mattheus	absent

The Board was given the Budget Status Report for October, 2008, which showed 41% of the fiscal year completed.

Items of Business

EXTRACT OF MINUTES

Meeting of the Village Board of the Village of Goshen in the County of Orange, New York, November 10, 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 November 10, 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

David A. Donovan, 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
Mayor Robert Weinberger	X	
Susan Bloom	X	
Susan Fast	X	
John Higgins	X	
Marcia B. Mattheus		Absent

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 NOVEMBER 10, 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 forgoing 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.

* * * * *

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: [4] NOES: [0]

This resolution was declared unanimously adopted.

CERTIFICATION

I, MARGARET STROBL, Village Clerk of the Village of Goshen, Orange County, New York, HEREBY CERTIFY:

The annexed extract from the Minutes of a meeting of the Village Board of the Village of Goshen, duly called and held on November 10, 2008, has been compared by me with the original of said Minutes as officially recorded in my office in the Minute Book of said Village Board and is a true, complete and correct copy thereof and of the whole of said original Minutes so far as the same relate to the subject matters referred to in said extract and the said resolution has not been rescinded or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Goshen, Orange County, New York on November 10, 2008.

MARGARET STROBL
Village Clerk

VILLAGE OF GOSHEN

NOTICE OF ESTOPPEL

The resolution, a summary of which is published herewith, has been adopted on November 10, 2008, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Village of Goshen, in the County of Orange, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

MARGARET STROBL
Village Clerk

BOND RESOLUTION OF THE VILLAGE OF GOSHEN, ADOPTED NOVEMBER 10, 2008, AUTHORIZING THE PURCHASE OF A 450,000 GALLON WATER STORAGE TANK, STATING THAT THE ESTIMATED 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

Object or purpose: Purchase of a water storage tank
Amount of obligations to be issued: \$375,000.00
Period of probable usefulness: fifteen (15) years

A complete copy of the Bond resolution above shall be available for public inspection during normal business hours at the office of the Village Clerk, Village Hall, 276 Main Street, Goshen, New York.

Dated: November 10, 2008
Goshen, New York

MARGARET STROBL
Village Clerk

On a motion by Trustee Higgins, seconded by Trustee Fast, permission is hereby granted to the Mid-Hudson St. Patrick's Day Parade Committee to hold their 33rd Annual St. Patrick's Day Parade in the Village of Goshen on Sunday, March 15, 2009. The Village of Goshen agrees to extend the necessary insurance coverage.

Bloom	aye
Fast	aye
Higgins	aye
Mattheus	absent

On a motion by Trustee Higgins, seconded by Trustee Fast, the Village of Goshen will allow free parking in the downtown area from December 1, 2008 through January 5, 2009.

Bloom	aye
Fast	aye
Higgins	aye
Mattheus	absent

Trustee Fast urged those present to support the downtown merchants.

Chief Watt noted that the 2 hour maximum limit remains in affect.

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

WHEREAS, pursuant to a quit-claim deed dated October 27, 1997, which deed was recorded in the Office of the Orange County Clerk on May 12, 1998 in Liber 4783 at Page 150, the Village of Goshen did take ownership of certain real property described in said deed, which real property is commonly referred to as "Center Street";and

WHEREAS, it is the intention of the Village Board of the Village of Goshen to offer the said premises for sale to the property owners adjoining said premises, subject to any and all rights-of-way, encumbrances and conditions which affect said premises; and

WHEREAS, prior to so doing, the Village Board must first obtain a certified survey and appraisal of said premises;

NOW, THEREFORE, it is hereby

RESOLVED that the Village of Goshen obtain a certified appraisal and certified survey, with an accompanying metes and bounds description, of the premises hereinabove described for the express purpose of offering the premises for sale to the adjoining property owners, subject to any and all rights of way, encumbrances and conditions which affect the said premises; and it is further

RESOLVED that the manner, means and methods of said sale shall be subject to the terms and conditions of a further resolution or resolutions by the Village Board.

Upon a roll call vote with 3 Trustees voting in favor and 0 Trustees voting against the foregoing Resolution was duly adopted.

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

WHEREAS, the year 2009 represents the bicentennial of the incorporation of the Village of Goshen; and

WHEREAS, a committee, known as the Goshen Village Bicentennial Committee, Inc., has been established to facilitate the commemoration and celebration of the bicentennial of the Village of Goshen;

WHEREAS, the Goshen Village Bicentennial Committee, Inc., has submitted a request in accordance with paragraph 7.7.3 of the Zoning Ordinance of the Village of Goshen seeking to erect temporary signs commemorating the bicentennial of the Village of Goshen;

NOW, THEREFORE, IT IS HEREBY,

RESOLVED, that the Village Board of the Village of Goshen hereby authorizes the Goshen Village Bicentennial Committee, Inc., to erect temporary signs pursuant to their request dated October 29, 2008, in accordance with the terms and provisions of paragraph 7.7.3 of the Zoning Ordinance of the Village of Goshen; and it is further

RESOLVED, that the temporary signs may be displayed for the period commencing January 1, 2009 and concluding September 30, 2009 by which time all temporary signs hereby authorized shall be removed.

Upon a roll call vote, with 3 trustees voting in favor and 0 voting against, the resolution was duly adopted.

Trustee Bloom thanked Trustee Fast for all of her hard work on the Bicentennial Committee.

Trustees' Reports

Trustee Bloom reported recent activities of the DPW including clean up following a major wind storm on October 28th, and the continuing leaf pick up. She thanked Superintendent Nuzzolese and the DPW employees for their excellent work.

Trustee Fast noted that work on the rotors at the wastewater treatment plant is progressing, at no cost to the Village, and that a transformer fire caused a power outage at several pump stations and at the sewer plant.

Trustee Higgins, reporting for Joint Recreation, thanked Mark Warren for the great job he did maintaining the parks. Mark recently resigned after approximately 20 years of service.

Trustee Higgins read statistics regarding Police activity on Halloween, and the night before. Over 20 calls were responded to on October 30th, and large groups of youths congregated in the Lincoln Ave., Murray Ave., and Montgomery St. areas were dispersed at 9:00 p.m. on the 31st.

Citizens' Comments

Comments were received from O. C. Legislator Frank Fornario, Mr. Brescia, Mrs. Brescia, Ray Rooney, Daniel McMann, and Neil Hickok.

On a motion by Trustee Higgins, seconded by Trustee Bloom, the meeting was adjourned at 8:45 p.m.