

Village Board Meeting  
December 14, 2009

Members present: Mayor Higgins, Trustees Char (7:40 p.m.), Mattheus, Roddey, and Stewart.

Also present: Attorney Donovan, Engineer Tully, Chief Watt, and Village Clerk Strobl.

Mayor Higgins called the meeting to order at 7:30 p.m. and led those present in the Pledge of Allegiance.

On a motion by Trustee Stewart, seconded by Trustee Roddey, the agenda was accepted with the following additions: Communications #3 – sign request from Goshen Chamber of Commerce; Communications #4 sign request from Olympic Pizza.

|          |        |
|----------|--------|
| Char     | absent |
| Mattheus | aye    |
| Roddey   | aye    |
| Stewart  | aye    |

On a motion by Trustee Roddey, seconded by Trustee Stewart, the Minutes of the November 16, 2009 Village Board Work Session were accepted as submitted.

|          |        |
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| Char     | absent |
| Mattheus | aye    |
| Roddey   | aye    |
| Stewart  | aye    |

On a motion by Trustee Roddey, seconded by Trustee Stewart, the Minutes of the November 23, 2009 Village Board Meeting were accepted as submitted.

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| Char     | absent                       |
| Mattheus | abstain (absent on 11/23/09) |
| Roddey   | aye                          |
| Stewart  | aye                          |
| Higgins  | aye                          |

#### Communications

Mayor Higgins read a letter from the Orange County Youth Football League, requesting use of Village Hall for their meetings during 2010.

On a motion by Trustee Stewart, seconded by Trustee Roddey, permission is hereby granted for the Orange County Youth Football League to meet at Village Hall on the fourth Wednesday of each month, at 6:00 p.m., during 2010.

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| Char     | absent |
| Mattheus | aye    |
| Roddey   | aye    |
| Stewart  | aye    |

On a motion by Trustee Mattheus, seconded by Trustee Roddey, bills as examined by members of the Board were approved in accordance with Abstract 2009/2010, 21, 22, 23, and 24, numbers 35393 through 35520 in the amount of \$324,429.92.

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| Char     | absent |
| Mattheus | aye    |
| Roddey   | aye    |
| Stewart  | aye    |

Trustee Char arrived at 7:40 p.m.

Mayor Higgins read a letter from the Goshen Chamber of Commerce requesting placement of a sign in Village Square

On a motion by Trustee Roddey, seconded by Trustee Stewart, permission was granted for placement of the temporary sign.

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| Char     | aye |
| Mattheus | no  |
| Roddey   | aye |
| Stewart  | aye |

Mayor Higgins read a letter from the owner of Olympic Pizza requesting a temporary sign to be displayed the week of January 4<sup>th</sup> through 10<sup>th</sup>, 2010.

On a motion by Trustee Stewart, seconded by Trustee Roddey, permission was granted for placement of the temporary sign.

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| Char     | aye |
| Mattheus | no  |
| Roddey   | aye |
| Stewart  | aye |

#### Items of Business

On a motion by Trustee Stewart, seconded by Trustee Char, the Regular Meeting was adjourned at 7:41 p.m.

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| Char     | aye |
| Mattheus | aye |
| Roddey   | aye |
| Stewart  | aye |

On a motion by Trustee Roddey, seconded by Trustee Mattheus, the Public Hearing on Local Law #2 of 2009 was opened at 7:42 p.m.

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| Char     | aye |
| Mattheus | aye |
| Roddey   | aye |
| Stewart  | aye |

Mayor Higgins read the following Legal Notice, as published in the Goshen Independent:

#### LEGAL NOTICE

NOTICE IS HEREBY GIVEN, that the Board of Trustees of the Village of Goshen, New York, will hold a Public Hearing at Village Hall, 276 Main Street, Goshen, New York, on December 14, 2009, at 7:30 p.m. or as soon after as may be heard, to consider the adoption of proposed Local Law #2 of 2009. This proposed Local Law is to designate a free 15-minute parking space in front of 183 West Main Street.

The Village of Goshen will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or accommodations should contact the Village Clerk.

By Order of the Village Board of Trustees  
Village of Goshen  
Margaret G. Strobl, Village Clerk

Public comment was received from Neil Hickok, who wished to note that his Mother's original request had been for a free 15-minute parking space in front of her business at 159 West Main Street.

On a motion by Trustee Mattheus, seconded by Trustee Char, the Public Hearing was closed at 7:44 p.m.

Char            aye  
Mattheus      aye  
Roddey        aye  
Stewart        aye

On a motion by Trustee Mattheus, seconded by Trustee Char, the Regular Meeting was reopened at 7:45 p.m.

Char            aye  
Mattheus      aye  
Roddey        aye  
Stewart        aye

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

**RESOLVED**, that the Village Board for the Village of Goshen, as lead agency, hereby issues a negative declaration pursuant to the applicable provisions of the State Environmental Quality Review Act, set forth at 6NYCRR Part 617 *et seq.*, in the implementation of Local Law #2 of 2009, as it will have no adverse environmental impact.

Char            aye  
Mattheus      aye  
Roddey        aye  
Stewart        aye

On a motion by Trustee Mattheus, seconded by Trustee Char, the Board of Trustees of the Village of Goshen hereby adopts Local Law #2 of 2009, designating a free 15-minute parking space in front of 183 West Main Street.

Char            aye  
Mattheus      aye  
Roddey        aye  
Stewart        aye

The following was moved by Trustee Mattheus, and seconded by Trustee Char:

**WHEREAS**, the Village Board for the Village of Goshen has heretofore adopted a Local Law enacting a moratorium on development in the OBH Zoning District; and

**WHEREAS**, said Local Law provides that said moratorium shall be effective for a period of one year following the date of adoption of said Local Law; and

**WHEREAS**, the Local Law further provides that the moratorium may be extended by two additional periods of up to three months each by resolution of the Village Board upon a finding of the necessity of such extension; and

**WHEREAS**, the Village Board has engaged the services of Turner Miller Group for purposes of assisting the Village in updating and modifying the Village's Zoning Regulations regarding the OBH Zoning District ; and

**WHEREAS**, significant and substantial work has been accomplished in connection with modifying and updating the Village's Zoning Regulations in the OBH Zoning District by the Village Board and the Village consultant; and

**WHEREAS**, additional time is required to adequately prepare the modifications and updates to the Village's Zoning Regulations in order to effectuate the purpose of the adoption of Local Law;

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the moratorium enacted by said Local Law is hereby extended for three months.

*Upon a roll call vote wit 4 Trustees voting in favor and 0 Trustees voting against the foregoing Resolution was duly adopted.*

On a motion by Trustee Mattheus, seconded by Trustee Roddey, Manuel A. Orellana (Junior); having successfully completed the certification for *IIA-SW/GUI Filtration Plant Water System Operator*, is hereby promoted to the position of Water Treatment Operator. In accordance with the current contract between the Village of Goshen and the CSEA, Manuel A. Orellana will be placed on the 2008 Step Three of the pay scale for Water & Sewer Operator 1, with an annual salary of \$29,764.

This appointment shall become effective immediately.

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| Char     | aye |
| Mattheus | aye |
| Roddey   | aye |
| Stewart  | aye |

On a motion by Trustee Char, seconded by Trustee Stewart, authorization is hereby given for the creation of a Part-time Police Officer position, as provided for in the current PBA contract, at a salary of \$19.12 per hour.

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| Char     | aye |
| Mattheus | aye |
| Roddey   | aye |
| Stewart  | aye |

On a motion by Trustee Roddey, seconded by Trustee Char, the following are appointed for the forthcoming Village election, to be held March 16, 2010.

|                 |                              |
|-----------------|------------------------------|
| Lee Krish       | Election Inspector, Chairman |
| James Heslop    | Election Inspector           |
| Nora Johnson    | Election Inspector           |
| Jeanne Krish    | Election Inspector           |
| Wanda MacDowell | Election Inspector           |
| Barbara Munhall | Election Inspector           |
|                 |                              |
| Paula Olsen     | Alternate                    |
| Roberta White   | Alternate                    |
| Anna Nuzzolese  | Alternate                    |

The amount of compensation will be Chairman - \$150.00, and Inspectors - \$125.00 per day.

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| Char     | aye |
| Mattheus | aye |
| Roddey   | aye |
| Stewart  | aye |

The following was moved by Trustee Roddey, and seconded by Trustee Stewart:

The Annual Election of the Village of Goshen will be held at Village Hall, 276 Main Street, Goshen, New York, on Tuesday, March 16, 2010.

Polls will open at 9:00 a.m., and close at 9:00 p.m. that same day.

There will be no Village Registration Day.

A vote resulted as follows:

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| Char     | aye |
| Mattheus | aye |
| Roddey   | aye |
| Stewart  | aye |

Trustee Stewart moved the following, which was seconded by Trustee Roddey:

**WHEREAS**, Harness Estates, LLC and Joseph and Janice Passalacqua have heretofore filed a proceeding in the Supreme Court of Orange County pursuant to Article 7 of the Real Property Tax Law seeking to contest the assessments imposed on their real property located in the Village of Goshen with the Paasalacqua property being designated on the tax maps as Section 127, Block 2, Lot 3 and the Harness Estates property being designated on the tax maps as set forth on the schedules attached hereto on Schedules "A," "B," "C," and "D"; and

**WHEREAS**, the duties of assessing real property in the Village for purposes of real property taxation are vested with the Assessor's office for the Town of Goshen; and

**WHEREAS**, the Town of Goshen and their Assessor have heretofore determined that it is in the best interests of all parties that the proceeding commenced by Harness Estates, LLC and Joseph and Janice Passalacqua, be settled and compromised; and

**WHEREAS**, the Village is in receipt of a Consent Judgment duly signed and approved by the attorneys representing the Town of Goshen, the attorneys representing the Petitioners and the Office of the Orange County Attorney which Consent Judgment has been approved by the Honorable John R. La Cava, Supreme Court Justice; and

**WHEREAS**, pursuant to the terms and provisions of said Consent Judgment the Village is obligated to refund certain tax amounts heretofore paid by Harness Estates, LLC and Joseph and Janice Passalacqua;

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that pursuant to said Consent Judgment the Village Board hereby directs the Village Treasurer to issue a check in the amount of \$33,748.70 and to deliver the same to Harness Estates, LLC as provided for in said Consent Judgment and to issue a check in the amount of \$665.10 and to deliver the same to Joseph and Janice Passalacqua.

*Upon a roll call vote with 4 Trustees voting in favor and 0 Trustees voting against the foregoing Resolution was duly adopted.*

#### Mayor/Trustee Comments

Trustee Roddey spoke about a recent article in the Times Herald-Record which contained false statements about the stockpile, including a description as contaminated. The contents have been classed as municipal solid waste and a scheduled meeting with the DEC was not a result of any missed dates. Attorney Donovan also commented on the inaccuracies in the article.

Trustee Char noted that students from the Goshen Elementary School's 2<sup>nd</sup> grade classes had recently toured the Police Department Headquarters, with approximately 200 students participating over four days.

Trustee Char reported the following statistics from the Police Department: since November 23<sup>rd</sup> there have been 14 arrests, 137 uniform traffic tickets, 64 parking summons' issued, and 16 motor vehicle accidents investigated.

Trustee Stewart reported the following recent activities of the Department of Public Works: holiday decorations have been put up in the downtown area; free parking cards have been placed in the parking meters; November 28<sup>th</sup> a severe wind storm brought down several trees; plowing and salting were done on December 5<sup>th</sup> and 9<sup>th</sup>; fire hydrants have been marked with wooden pegs for the winter; and crews were out salting on December 13<sup>th</sup> due to a black ice storm.

Trustee Mattheus gave the water report, noting that the CRV well has been winterized, and that the findings from the sequestering study have been forwarded to the DEC.

Mayor Higgins commended the Department of Public Works and the Police Department for the great job done during the ice and snow storms.

Mayor Higgins also commended Trustee Roddey, Engineer Tully, and Cornerstone Engineering for all the positive progress they have made regarding the stockpile.

Citizens' comments were received from Neil Hickok and Joel Markowitz.

On a motion by Trustee Char, seconded by Trustee Roddey, the Board entered into Executive Session at 8:25 p.m. for a discussion of litigation.

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| Char     | aye |
| Mattheus | aye |
| Roddey   | aye |
| Stewart  | aye |

On a motion by Trustee Mattheus, seconded by Trustee Stewart, the Board concluded the Executive Session and the Meeting at 8:45 p.m.

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| Char     | aye |
| Mattheus | aye |
| Roddey   | aye |
| Stewart  | aye |