

Village Board Meeting
October 26, 2009

Members present: Mayor Higgins, Trustees Char, 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 addition: Items of Business #10. Hiring Resolution – Seasonal Intern DPW.

Char	aye
Mattheus	aye
Roddey	aye
Stewart	aye

On a motion by Trustee Mattheus, seconded by Trustee Char, the Minutes of the September 14, 2009 Village Board Meeting were accepted as submitted.

Char	aye
Mattheus	aye
Roddey	aye
Stewart	aye

On a motion by Trustee Mattheus, seconded by Trustee Char, the Minutes of the September 21, 2009 Village Board Work Session were accepted as submitted.

Char	aye
Mattheus	aye
Roddey	aye
Stewart	aye

On a motion by Trustee Roddey, seconded by Trustee Mattheus, the Minutes of the October 5, 2009 Village Board Work Session were accepted as submitted.

Char	aye
Mattheus	aye
Roddey	aye
Stewart	aye

Communications

Mayor Higgins read the following letter:

Mr. Chris Ashman

Dear Mr. Ashman,

It is my honor to inform you that a defibrillator donated by your father, the late Clifford T. Ashman, was recently used by members of this Department to save the life of a village resident during a medical/CPR call.

On July 30th, 2009 at approximately 3:00 p.m., Ptl. Christopher Smoulcey and Ptl. Anthony Pitt were dispatched to a village residence for a report of a 44 year old male, unconscious and not breathing. Upon arrival, they found two bystanders had begun CPR. Ptl. Smoulcey immediately deployed the defibrillator and administered a shock to the victim, thereby establishing a palpable pulse. Ptl. Anthony Pitt took over and maintained CPR until Mobile Life Support Services arrived on scene and transported the victim to the Orange Regional Medical Center-Horton Campus. The victim has since recovered and been discharged from the hospital.

On behalf of the Village of Goshen Police Department and the community of Goshen, I would like to thank you for the support your family has always given us. It is this kind of support that allows the Department to implement specialized equipment, such as AED's, that would otherwise be unavailable to us.

I knew Cliff to be a man who was always active in his community and concerned with the welfare of his fellow man. That his support of the Department enabled the saving of the life of another human being is an altogether fitting legacy for such a man.

I close this letter with my personal thanks and admiration to you and your family. May this letter add to the many cherished memories of Cliff's life well lived.

Respectfully, James C. Watt, Chief of Police

Mayor Higgins reviewed a letter from Rabbi Meir Borenstein, requesting use of the Village Green on December 13, 2009 from 3:00 p.m. – 9:00 p.m. Following discussion, it was decided that permission for the event would be withheld until Rabbi Borenstein could provide an agenda for the requested six hours.

Mayor Higgins read a letter from Rabbi Pesach Burston requesting permission to organize and sponsor a Community Chanukah Lighting Ceremony at the square on Wednesday, December 16, 2009 from 6:00 p.m. until 9:00 p.m.

On a motion by Trustee Mattheus, seconded by Trustee Stewart, permission for the event was granted, predicated upon provision of the necessary insurance indemnification.

Char	aye
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 09/10, 12, 13, 14, and 15, numbers 35091 through 35143 in the amount of \$127,887.57; numbers 35144 through 35148 in the amount of \$5,471.35, numbers 35149 through 35203 in the amount of \$189,926.12; and numbers 35187 and 35191 in the amount of \$1,116.00; for a grand total of \$324,401.04.

Char	aye
Mattheus	aye
Roddey	aye
Stewart	aye

Mayor Higgins reviewed an alcoholic beverage license renewal form from 170 West Main LLC, for informational purposes.

Mayor Higgins read the following letter:

Dear Sir:

My name is Gary Gaudioso and I am The Regional Security Manager for M & T Bank. I would like to take this opportunity to extend my appreciation to your department for the recent handling of an investigation involving a mysterious disappearance of \$4000 at our Goshen office located at 307 Main Street in Goshen, New York.

On August 18, 2009 I filed a report involving the internal theft of \$4000 from the safe at the banking office referenced above. Detective Dave Conklin kept me abreast of the progress of the case and on September 16, 2009 I was advised that confessions had been obtained from two employees and the majority of the missing currency had been recovered. Having been in law enforcement for over twenty years, I am well aware of the sensitive and tedious nature associated with these investigations. Detective Conklin and the officers involved in this investigation should be commended for the determination, diligence and professionalism in bringing this case to a successful closure.

M & T Bank wishes to extend their sincere gratitude and appreciation to you and your officers for their efforts. You can be truly proud of those serving and protecting your community.

Thank you again. Sincerely, Gary Gaudioso, Regional Security Manager Corporate Security M & T Bank

Mayor Higgins offered congratulations to both Detective Conklin and Officer Vuksanovich for their excellent work on the case.

Mayor Higgins read the following letter to Prentiss A. Shaw, P.E., of Cornerstone Environmental Group, LLC, from the New York State Department of Environmental Conservation:

Re: Village of Goshen Landfill – Relocated Waste Stockpile

The Department has reviewed your letter of September 10, 2009 including the attached waste analysis data and the work plan for additional testing. Your letter indicates that the Village is willing to undertake additional testing, if necessary, but you believe that testing already performed provides an adequate basis to determine that the waste material in question is a non-hazardous solid waste. Department staff concur with this determination. Therefore, the waste may be considered non-hazardous without the need for additional testing.

Although properly classified as non-hazardous, this waste material is not environmentally benign and needs to be managed in a manner which complies with applicable 6 NYCRR Part 360 regulations. It is therefore important that we keep on schedule with respect to report which the Village has agreed to provide including an evaluation of long-term disposal alternatives and a plan to implement the disposal option which is selected. Based on our recent conversation, I am expecting that your report will be submitted by not later than close of business on Tuesday, September 22, 2009. I also expect that the Village will continue to take whatever measures are needed to maintain the cover on the stockpile and to prevent any release of leachate to environment.

Sincerely, Steven Parisio, Regional Solid Waste Geologist

Trustee Mattheus commended Trustee Roddey on his efforts regarding the closure of the stockpile. Trustee Roddey noted that the success of the actions to date is the result of a lot of teamwork, and thanked Superintendent Nuzzolese, Attorney Donovan, and Engineer Tully.

Items of Business

Trustee Roddey 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 16, 2010, for the following terms:

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 Char, and a vote resulted as follows:

Char	aye
Mattheus	aye
Roddey	aye
Stewart	aye

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

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 2011, in view of its use for municipal purposes.

Char aye
Mattheus aye
Roddey aye
Stewart aye

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

RESOLVED: to take out a Bond Anticipation Note for \$125,000 against the Amended Bond Resolution of February 23, 2004 for \$5,320,000 for Water Improvements.

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

Char aye
Mattheus aye
Roddey aye
Stewart aye

On the nomination of Mayor Higgins, Lynn A. Cione is hereby appointed to the Village of Goshen Zoning Board of Appeals to fill the unexpired term of Michael Nutt. This term will expire in 2014.

Char aye
Mattheus aye
Roddey aye
Stewart aye

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 action: Village of Goshen CRV Well Field Development.

Char	aye
Mattheus	aye
Roddey	aye
Stewart	aye

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

WHEREAS, the County of Orange, under the Orange County Municipal Parks Grant Program, has awarded the Village of Goshen and Town of Goshen a 2008 Grant of up to \$15,000 for a pavilion and free standing restroom at Salesian Park, and

WHEREAS, the Joint Recreation Commission has determined that the most practical use of the Grant will be for a free-standing restroom facility only,

NOW, THEREFORE, IT IS HEREBY,

RESOLVED, that the Village Board of the Village of Goshen hereby authorizes the amendment of the Grant to be for a free-standing restroom facility only, and it is further

RESOLVED, that the Village Board of the Village of Goshen hereby approves the request of the Joint Recreation Commission to seek an extension of the project completion date.

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

On the nomination of Mayor Higgins, and with the approval of the Village Board of Trustees, Patricia M. Sherlock is hereby re-appointed to the Joint Recreation Commission, as Commissioner-at-Large. This term expires in September, 2012.

Char	aye
Mattheus	aye
Roddey	aye
Stewart	aye

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

WHEREAS, the Village of Goshen has heretofore entered into a lease agreement with the Goshen Volunteer Ambulance Corp., Inc., hereinafter referred to as GOVAC, wherein and whereby the Village agreed to lease to GOVAC certain improved real property located on New Street, which premises were formerly utilized as the Dikeman Firehouse, subject to the terms and provisions of a Lease Agreement dated March 23, 2004; and

WHEREAS, pursuant to said Lease Agreement the tenant is to be responsible for all costs associated with any and all maintenance and repair, including normal and routine repair; and

WHEREAS, there has been a failure of the existing gas boiler and GOVAC has heretofore contracted with Abar Plumbing & Heating, provider of the lowest bid, for the purpose of installing a new power vented natural gas steam boiler; and

WHEREAS, GOVAC has requested that the Village reimburse them 50% of the cost associated with the new gas steam boiler; and

WHEREAS, after due and careful consideration, and notwithstanding the fact that the Village is under no obligation to contribute toward the cost of the boiler, but nevertheless with the understanding that the boiler will contribute toward a permanent improvement in the building owned by the Village;

NOW, THEREFORE, it is hereby

RESOLVED: that the Village of Goshen agrees to reimburse GOVAC the amount of \$3,400.00, which represents 50% of the purchase and installation of a new natural gas steam boiler.

Char	aye
Mattheus	aye
Roddey	aye
Stewart	aye

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

WHEREAS, Jewish Lubavitch Outreach Center of Orange County, Inc., has 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 assessment imposed on its real property located at 12-16 North Church Street in the Village of Goshen which property is designated on the tax map as Section 108, Block 7, Lot 10; 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 Jewish Lubavitch Outreach Center of Orange County, Inc., 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 Petitioner 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 Jewish Lubavitch Outreach Center of Orange County, Inc.;

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 \$4,560.76 and to deliver the same to the Jewish Lubavitch Outreach Center of Orange County, Inc. as provided for in said Consent Judgment.

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

On a motion by Trustee Stewart, seconded by Trustee Char, Timothy J. Cox is hereby appointed Seasonal Intern Laborer for the Village of Goshen Department of Public Works at a salary of \$12.17 per hour.

This appointment is effective upon successful completion of a pre-employment physical exam, pre-employment paperwork, and approval by the Orange County Department of Personnel; and shall terminate in 90 days.

Char	aye
Mattheus	aye
Roddey	aye
Stewart	aye

Mayor/Trustee Comments

Trustee Roddey reported recent activities of the Sewer Department: all pump stations are in the process of being winterized; the sewer main on Montgomery Street was plugged and found to be a root problem, and roots were cut from the line. Trustee Roddey noted that Joint Recreation had a very successful Halloween Party, with approximately 700 participants.

Trustee Char reported recent activities of the Police Department. On Tuesday, October 20th three subjects were arrested on trespass and drug charges after they trespassed on High School property and were found to be in possession of a variety of prescription drugs. Since September 14th there have been 50 arrests, 259 uniform traffic tickets, 201 parking summons' issued, and 40 motor vehicle accidents investigated.

Trustee Stewart read the following major activities of the Department of Public Works: crews continue blacktop patching; catch basins have been cleaned and repaired; crews assisted County DPW workers with a water main break within their facility; sign work is being done throughout the village; parking meters have been emptied; and leaf pick up has started.

Trustee Mattheus noted activities of the Water Department: a water leak on West Main Street was repaired; a 6" water main break on Glen Drive was repaired; fire hydrants have been flushed; and the CRV well has been in operation in order to replace the flocculator assembly in filter #4 at the water plant. This work involved a tremendous amount of coordination.

Mayor Higgins discussed his recent experience speaking with the 5th grade classes at Goshen Intermediate School. The Mayor offered congratulations to Elmer Budd and Jim Felczak for 50 years of active service in the Goshen Fire Department.

Citizens comments were received from three members of the public.

On a motion by Trustee Mattheus, seconded by Trustee Char, the meeting was adjourned at 8:30 p.m.

Char	aye
Mattheus	aye
Roddey	aye
Stewart	aye