

Village Board Meeting  
August 27, 2012

Members present: Mayor Roddey, Trustees Brady, Char, and Stewart

Member absent: Trustee Smith

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

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

Mayor Roddey requested a moment of silence to honor the memory of Goshen residents Linda Rooney and Jane Unhjem, both of whom will be deeply missed by many.

On a motion by Trustee Char, seconded by Trustee Stewart, the Agenda was accepted as submitted.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

Mayor Roddey read the following 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 August 27, 2012, at 7:30 p.m., or as soon after as may be heard, to consider the adoption of a Local Law to amend Chapter 26; Article 1; Section 26-6 of the Village Code of the Village of Goshen by the addition of subparagraph #3: *Letter of Map Revision, Case Number 11-02-1056P, effective September 13, 2012, revising FIRM Panel 289E, Flood Insurance Study Floodway Data Table 10, Stream Profiles 233P and 377P, and Summary of Discharges Table 6.*

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.

On a motion by Trustee Char, seconded by Trustee Brady, the Public Hearing to amend the Village Code to comply with a Letter of Map Revision was opened at 7:32 p.m.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

At Mayor Roddey's request, Engineer Tully provided background on the modification of the flood map.

Joel Markowitz asked if the map revision was for a specific property and if it would be removed from the general Flood Plain map.

The revision is for the Quick Chek property, and is not a removal.

Reynell Andrews asked why the project had to do this.

Joel Markowitz asked what happens if the Village doesn't pass this.

It was explained that FEMA's Mitigation Division establishes the flood maps, and that the Village has to adopt them.

Joel Markowitz asked if the Village were to not adopt this mapping would Quick Chek not be able to get flood insurance.

It was explained that they would still be able to get insurance.

It was noted that the map revision communication was from both the NYSDEC and FEMA's Mitigation Division.

There being no further public comment, the Public Hearing was closed at 7:38 p.m. on a motion by Trustee Stewart, seconded by Trustee Char.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

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 August 27, 2012, at 7:30 p.m., or as soon after as may be heard, to consider the adoption of a Local Law to create a CS-1 Zone with appropriate uses and regulations and to rezone the area of Greenwich Avenue to this new CS-1 designation.

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.

At Mayor Roddey's request, background on the proposed CS-1 zone was provided by Planner Stuart Turner.

On a motion by Trustee Brady, seconded by Trustee Char, the Public Hearing to consider the adoption of a Local Law to create a CS-1 Zone was opened at 7:40 p.m.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

Joel Markowitz asked if the record from the last Public Hearing was still being considered. He was answered in the affirmative. He stated that he would like to add to his previous comments as follows: By rezoning to allow religious use on those properties a substantial burden is being placed on the economic lifeblood of the community, particularly in this day and age when the Village is doing as poorly economically as it is. He added that there is every reason to maximize the economy of the community and the granting of religious uses within the only commercial core you have is an undue burden on the community and cause for restricting religious use in that only commercial corridor. He stated that we're in dire straits and we need to do everything we can to survive.

Planner Stuart Turner explained that the proposed changes were guided by the need to have religious uses allowed in as much of the Village as possible.

On a motion by Trustee Stewart, seconded by Trustee Brady, the Public Hearing was closed at 7:45 p.m.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

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 August 27, 2012, at 7:30 p.m., or as soon after as may be heard, to consider the adoption of a Local Law to allow, and appropriately limit, religious uses in the various zoning districts of the Village of Goshen.

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.

On a motion by Trustee Char, seconded by Trustee Brady the Public Hearing to consider the adoption of a Local Law to allow, and appropriately limit, religious uses in the various zoning districts of the Village of Goshen was opened at 7:46 p.m.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

There was no public comment.

On a motion by Trustee Stewart, seconded by Trustee Char, the Public Hearing was closed at 7:47 p.m.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

Mayor Roddey explained that there would be no votes on these issues at this time due to Trustee Smith's absence.

#### Minutes

On a motion by Trustee Char, seconded by Trustee Brady, the Minutes of the August 13, 2012 Village Board Meeting were accepted as submitted.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

#### Communications

Mayor Roddey read a letter from the Director of Traffic Safety and Government Affairs of AAA New York announcing that the Village has won a Bronze Award in the 2012 Community Traffic Safety Awards Program.

## Items of Business

On a motion by Trustee Stewart, seconded by Trustee Char, bills as examined by members of the Board were approved in accordance with Abstract 2012/2013 numbers 3 and 4, check numbers 3772 through 4147, in the total amount of \$455,757.54.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

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

BE IT RESOLVED, that the Village of Goshen will allow automatic/electronic deposits of payroll checks to be made to one account in one depository, (financial institution), per employee, in accordance with the specifications of the Village's accounting system.

IT IS FURTHER RESOLVED, that the Village of Goshen will engage J. P. Morgan Chase as the originator for direct deposit.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

On a motion by Trustee Char, seconded by Trustee Brady, Daniel Slesinski is hereby authorized to attend the New York Rural Water Association Laboratory Seminar on November 13, 2012 at the Ramada Inn in Fishkill NY. It is understood that the cost of this training is \$75.00, and that a total of 6 contact hours will be awarded towards recertification.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

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

**WHEREAS**, First Presbyterian Church 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 their real properties located at 90 Main Street and at Kelsey Lane in the Village of Goshen, which properties are designated on the tax map as Section 109, Block 3, Lot 7 and Section 109, Block 5, Lot 22; 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 First Presbyterian Church be settled and compromised; and

**WHEREAS**, the Village is in receipt of a Stipulation of Settlement 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 Stipulation of Settlement has been approved by the Honorable Catherine M. Bartlett, Supreme Court Justice; and

**WHEREAS**, pursuant to the terms and provisions of said Stipulation of Settlement the Village is obligated to refund certain tax amounts heretofore paid by First Presbyterian Church;

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that pursuant to said Stipulation of Settlement the Village Board hereby directs the Village Treasurer to issue a check in the amount of \$5,212.44, and to deliver the same to First Presbyterian Church as provided for in said Stipulation of Settlement.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

On a motion by Trustee Brady, seconded by Trustee Char, the Village Board hereby resolves to hold a Public Hearing on September 24, 2012, at 7:30 p.m., or as soon after as may be heard, for the consideration of adoption of: A Local Law to amend Article VII of Appendix A of the Village Code of the Village of Goshen entitled: *Sign Regulations*.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

The Board reviewed the proposed Consent Decree negotiated between the New York State Department of Environmental Conservation and the Village of Goshen.

Mayor Roddey provided background leading to the Decree, dating back to October, 2007, and explained that the document would not be final until signed by a NYS Supreme Court Judge.

Mayor Roddey expressed gratitude to Attorney Donovan's office and Engineer Tully's office for all of the hard work which led to this resolution.

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

**WHEREAS**, the New York State Department of Environmental Conservation, hereinafter the "DEC," has heretofore issued certain Notices of Violation wherein and whereby The DEC alleged that the Village of Goshen, hereinafter the "Village," had violated certain specified provisions of Articles 17 and 27 of the *Environmental Conservation Law*; and

**WHEREAS**, the DEC, together with the State of New York, through the Office of the New York State Attorney General, has commenced the proceedings necessary to pursue enforcement of the said alleged violations; and

**WHEREAS**, the Village, upon consultation with and in reliance upon advice given by the Village Attorney has determined that it is in the best interests of the Village to resolve the pending litigation with the State and the DEC; and

**WHEREAS**, the parties have heretofore entered into negotiations in an effort to settle the violations alleged by the State and the DEC; and

**WHEREAS**, the terms of a resolution and settlement of the pending violations has been tentatively reached, subject to approval by the parties to the settlement, which terms are set forth with specificity in a document entitled "**Consent Decree**" which is annexed hereto and made part of this Resolution; and

**WHEREAS**, the Village has carefully reviewed the terms of the Consent Decree and has determined that it is in the best interests of the Village, under the circumstances present, to approve the terms of the Consent Decree;

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Village hereby approves of and agrees to abide by all terms, provisions and conditions set forth in the attached Consent Decree; and it is further

**RESOLVED** that the Mayor and/or the Village Attorney is authorized to affix his and/or their signatures to the said Consent Decree on behalf of the Village.

*Upon a roll call vote with 3 Trustees voting in favor and 1 Trustee absent the foregoing Resolution was duly adopted.*

Trustees Brady, Char, and Stewart each credited and thanked Mayor Roddey for his conscientious determination in working towards correcting the issues which caused the concerns.

#### Mayor/Trustee Comments

Trustee Brady provided the following information from the water department: crews are assisting a contractor with the installation of a 6 inch water tap for the sprinkler system at the Minisink Fire House; crews have read water meters for the September water/sewer billing; and the reservoir is at -20".

Trustee Stewart reported for the Department of Public Works that a contractor is in the process of testing spores on Bruen Place in order to prepare for a drainage project, and crews installed 80 feet of 8 inch drain pipe on Nelson Street.

Trustee Char spoke of the recent tragedy which took the life of Linda Rooney and expressed his appreciation as well as that of the Rooney family for the incredible outpouring of support from residents of Goshen.

Mayor Roddey expressed gratitude to Jonathan Search of Boy Scout Troop 63, who recently refurbished the handicap ramp at Village Hall as his Eagle Scout project.

Mayor Roddey announced that the St. Patrick's Day Parade Committee has chosen Goshen to remain as host village for the event, and thanked Trustee Char for his assistance in this result.

#### Citizens' Comments

Comments were received from Joel Markowitz, Town Councilman Ken Newbold, and Reynell Andrews.

On a motion by Trustee Char, seconded by Trustee Brady, the meeting was adjourned at 8:25 p.m.

Brady	aye
Char	aye
Smith	absent
Stewart	aye