

Village Board Meeting  
October 23, 2023

Members present: Mayor O'Donnell, Trustees Gurda, Hand, Rouis, and Wohl

Also present: Village Clerk Darby, Attorney Donovan, and Chief Watt

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Mayor O'Donnell called the meeting to order at 6:59 pm and led those present in the Pledge of Allegiance.

On a motion by Trustee Rouis, seconded by Trustee Gurda, the October 23, 2023 Village Board Meeting Agenda was accepted as presented.

Gurda	aye
Hand	aye
O'Donnell	aye
Rouis	aye
Wohl	aye

On a motion by Trustee Gurda, seconded by Trustee Wohl, the Minutes of the September 25, 2023, Village Board Meeting were accepted.

Gurda	aye
Hand	aye
O'Donnell	aye
Rouis	aye
Wohl	aye

### **Public Hearings**

#### 1. Local Law #5 RE: Lot Line Change

On a motion by Trustee Rouis, seconded by Trustee Hand, the Public Hearing for Local Law #5 was opened at 7:00 pm.

There were not any comments received from the public.

On a motion by Trustee Wohl, seconded by Trustee Gurda, the Public Hearing for Local Law #5 was closed at 7:00 pm.

#### 2. Local Law #6 RE: Parking

On a motion by Trustee Gurda, seconded by Trustee Rouis, the Public Hearing for Local Law #6 was opened at 7:01 pm.

There were not any comments received from the public.

On a motion by Trustee Wohl, seconded by Trustee Gurda, the Public Hearing for Local Law #6 was closed at 7:01 pm.

#### 3. Local Law #7 RE: Hotel/Motel Tax

On a motion by Trustee Gurda, seconded by Trustee Hand, the Public Hearing for Local Law #7 was opened at 7:02 pm.

There were not any comments received from the public.

On a motion by Trustee Wohl, seconded by Trustee Gurda, the Public Hearing for Local Law #7 was closed at 7:01 pm.

### **Items of Business**

#### 1. Local Law #5 RE: Lot Line Change

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance  
**Village of Goshen, Orange County, New York**

**Name of Action:** Village of Goshen Local Law #5 of 2023

**Date:** October 23, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Goshen Village Board of Trustees, as Lead Agency, has determined that the Proposed Action described in the project narrative and Environmental Assessment Form consistent with the procedures and criteria set forth in 6 NYCRR 617.7, analyzed the relevant areas of environmental concern using the SEQR standards and determined that the proposed Action will not have a significant adverse impact on the environment and a Draft Environmental Impact Statement will not be prepared.

**SEQR Status:** Type 1

**Conditioned Negative Declaration:** No

**Description of Action: 1.1 FINDINGS**

The Board of Trustees of the Village of Goshen finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of Goshen and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

**1.2 STATEMENT OF PURPOSE**

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

**1.3 OBJECTIVES**

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;

- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**Location:** The entire Village of Goshen

**Reasons Supporting This Determination:**

The proposed action is not anticipated to result in any adverse environmental impacts.

Motion to adopt negative declaration for Local Law #5 of 2023 by Trustee Wohl and seconded by Trustee Rouis. The vote was 5 ayes to 0 nays with 0 abstentions. The Mayor declared the Resolution adopted on October 23, 2023.

**RESOLUTION 122 of 2023**

**A RESOLUTION TO APPROVE LOCAL LAW NO. 5 OF 2023 AMENDING CHAPTER 46 OF THE CODE OF THE VILLAGE OF GOSHEN [SUBDIVISION] TO THE EXTENT OF ADDING A NEW ARTICLE ENTITLED “LOT LINE CHANGES”**

**WHEREAS**, the Village of Goshen Attorney has amended a local law; and

**WHEREAS**, a Public Hearing was scheduled and took place on October 23, 2023; and

**NOW, THEREFORE, IT IS HEREBY,**

**RESOLVED**, of the following:

**Section 1. Title**

- 1.1 Amending Chapter 46 of the Code of the Village of Goshen [Subdivision] to the extent of adding a new Article entitled “Lot Line Changes.”.

**Section 2. Purpose and Intent:**

2.1 The purpose of this local law is to streamline those applications which are merely lot line adjustments between two or more neighboring property owners in those circumstances where a lot line adjustment will not result in the creation of, or the potential for the creation of, a new building lot.

**Section 3. Amendment to Village Code Section 46 [Subdivision]**

Chapter 46 of the Code of the Village of Goshen is hereby amended by adding a new Article VI as follows:

Article VI. Lot Line Changes.

Section 146-150. Definitions.

A “lot line change” is the relocation or revision of a lot line of a lot, which revisions is intended to correct minor boundary problems and is not intended to create a new lot for development purposes and which revision will result in land area to become part of an existing adjacent lot or parcel, provided that such lot line change does not create a parcel at variance with the bulk requirements of the zone in which such parcel is located.

Section 146-151. Application and fee.

The applicant shall file an application for the consideration of a lot line change in the form provided by the Planning Board. The fees required by the Standard Schedule of Fees for the Village of Goshen shall be paid at the time of application by the applicant. Ten copies of the lot line change plat shall be presented to the Secretary of the Planning Board at least 15 days prior to a scheduled monthly meeting of the Planning Board.

Section 146-152. Attendance of applicant at Planning Board meeting.

The applicant or his duly authorized representative shall attend the meeting of the Planning Board to discuss the lot line change.

Section 146-153. Time of submission.

The time of submission of the lot line change plat shall be considered the date of the regular monthly meeting of the Planning Board at least 15 days prior to which the application for lot line change approval, complete and accompanied by the required fee and all data required by this chapter, has been filed with the Secretary of the Planning Board.

Section 146-154. Public hearing optional.

A public hearing may be held in the discretion of the Planning Board on all plats submitted in final form within 62 days of their submission to the Planning Board. The hearing must be advertised at least once in a newspaper of general circulation in the town at least 5 days and no more than 15 days prior to the hearing and by posting notice thereof by mail to the owners of the property within 500 feet of the proposed lot line change and to any other persons whom the Board deems to be particularly affected.

Section 146-155. Action on lot line change.

The Planning Board shall, within 62 days from the date of any public hearing, approved, conditionally approve, with or without modification, or disapprove the plat. The Board shall specify, in writing, its reasons for any such disapproval. In the event that the hearing is not held, or if the Board fails to disapprove the plat within the 62 days prescribed above, the plan shall be deemed approved.

Section 146-156. Filing.

Upon approval, the plat shall be promptly signed by the duly authorized person or persons and shall be filed by the applicant in the office of the County Clerk. The applicant shall submit six copies of the plat showing the endorsement of the County Clerk to the Board's Secretary within 30 days of the date of filing.

**Section 4. SEQRA:**

4.1 This local law is an unlisted action pursuant to the implementing regulations of the *Environmental Conservation Law* as set forth at 6 NYCRR 617 et seq. There are no other involved agencies, coordinated review is not required and Board of Trustees shall act as Lead Agency in connection with this local law.

**Section 5. Severability**

5.1 If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be

adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 6. Effective Date**

6.1 This local law shall take effect upon the filing with the Secretary of State.

Motion to adopt by Trustee Wohl and seconded by Trustee Rouis. The vote was 5 ayes to 0 nays with 0 abstentions. The Mayor declared the Resolution adopted on October 23, 2023.

**2. Local Law #6 RE: Parking**

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**Village of Goshen, Orange County, New York**

**Name of Action:** Village of Goshen Local Law #6 of 2023

**Date:** October 23, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Goshen Village Board of Trustees, as Lead Agency, has determined that the Proposed Action described in the project narrative and Environmental Assessment Form consistent with the procedures and criteria set forth in 6 NYCRR 617.7, analyzed the relevant areas of environmental concern using the SEQR standards and determined that the proposed Action will not have a significant adverse impact on the environment and a Draft Environmental Impact Statement will not be prepared.

**SEQR Status:** Type 1

**Conditioned Negative Declaration:** No

**Description of Action: 1.1 FINDINGS**

The Board of Trustees of the Village of Goshen finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of Goshen and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

**1.2 STATEMENT OF PURPOSE**

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

### 1.3 OBJECTIVES

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**Location:** The entire Village of Goshen

**Reasons Supporting This Determination:**

The proposed action is not anticipated to result in any adverse environmental impacts.

Motion to adopt negative declaration for Local Law #6 of 2023 by Trustee Wohl and seconded by Trustee Rouis. The vote was 5 ayes to 0 nays with 0 abstentions. The Mayor declared the Resolution adopted on October 23, 2023.

**RESOLUTION 123 of 2023**

**A RESOLUTION TO APPROVE LOCAL LAW NO. 6 OF 2023 AMENDING CHAPTER 54 OF THE CODE OF ORDINANCES OF THE VILLAGE OF GOSHEN ENTITLED "TRAFFIC" TO THE EXTENT OF AMENDING ARTICLE V ENTITLED "PARKING AND STANDING" SO AS TO ALLOW THE OVERNIGHT PARKING OF VEHICLES ON VILLAGE STREETS FROM NOVEMBER 1 TO MARCH 31 SUBJECT TO THE ISSUANCE OF A PARKING PERMIT BY THE VILLAGE**

**WHEREAS**, the Village of Goshen Attorney has amended a local law; and

**WHEREAS**, a Public Hearing was scheduled and took place on October 23, 2023; and

**NOW, THEREFORE, IT IS HEREBY,**

**RESOLVED**, of the following:

**Section 1. Title**

Amending Chapter 54 of the Code of Ordinances of the Village of Goshen entitled "Traffic" to the extent of amending Article V entitled "Parking and Standing" so

as to facilitate the overnight parking of vehicles on Village streets from November 1 to March 31 subject to the issuance of a parking permit by the Village.

## **Section 2. Purpose and Intent:**

Currently, overnight parking on Village streets is prohibited from November 1 until March 31. The purpose for this blanket prohibition against overnight parking is to ensure that the streets within the Village may be adequately plowed or otherwise treated in the event of inclement weather. However, inclement weather does not occur on a regular or scheduled basis and the owners of motor vehicles that have no off-street parking options can be inconvenienced by this requirement as they are required to remove their vehicles from Village streets during the time period even when there is no inclement weather at all. This local law seeks to address this situation by allowing overnight parking during this period subject to the issuance of a parking permit by the Village. To ensure that Village streets are adequately and properly maintained during weather events, rules and regulations will be promulgated by the Village Board and made part of the permit part of the issuance so that the vehicle owner can be contacted in the event of inclement weather and advised that their vehicle must be removed from the Village street. This would balance the need of the Village to properly plow and otherwise maintain Village streets during inclement weather while at the same time affording vehicle owners the ability to park on Village streets during those times when there is no inclement weather.

## **Section 3. Amendment to Code**

Section 54-204 of the Village Code is hereby repealed in its entirety and replaced with the following:

Sec. 54-204 – Hours restricted November 1 through March 31; Parking Permits Authorized

- a. Except as provided in section 54-204(b) below, the parking of vehicles is prohibited on all streets in the Village of Goshen between the hours of 2:00 a.m. and 6:00 a.m. from November 1 through March 31.
- b. Notwithstanding the provisions of section 54-204(a) above, parking permits allowing parking on Village Streets between the hours of 2:00 a.m. and 6:00 a.m. from November 1 through March 31 may be obtained from the Village during regular working hours. Said parking permits may be obtained upon payment of an annual fee to be established by the Village Board which fee may be amended from time to time upon resolution of the Board. Any parking permit so issued shall be subject to all requirements, including removal of the vehicle from Village Street in the event of inclement weather, that are established by the Village Board and made part of such permit.
- c. In the event that the holder of a valid permit fails to comply with the terms of the permit, the Village may have the said vehicles towed away and stored at the owners expense and impose a monetary fine in accordance with section 54-189(c) of the Village Code.

## **Section 4. Severability**

Any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and the remaining provisions shall remain in full force and effect.

## **Section 5. SEQRA**

This local law constitutes an Unlisted Action under the State Environmental Quality Review Act.

## Section 6. Effective Date

This local law shall take effect upon the filing of certified copies thereof with the Office of the Secretary of State in accordance with New York Municipal Home Rule Law.

Motion to adopt by Trustee Wohl and seconded by Trustee Rouis. The vote was 5 ayes to 0 nays with 0 abstentions. The Mayor declared the Resolution adopted on October 23, 2023.

### 3. Local Law #7 RE: Hotel/Motel Tax

State Environmental Quality Review

#### **NEGATIVE DECLARATION**

Notice of Determination of Non-Significance  
**Village of Goshen, Orange County, New York**

**Name of Action:** Village of Goshen Local Law #6 of 2023

**Date:** October 23, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Goshen Village Board of Trustees, as Lead Agency, has determined that the Proposed Action described in the project narrative and Environmental Assessment Form consistent with the procedures and criteria set forth in 6 NYCRR 617.7, analyzed the relevant areas of environmental concern using the SEQR standards and determined that the proposed Action will not have a significant adverse impact on the environment and a Draft Environmental Impact Statement will not be prepared.

**SEQR Status:** Type 1

**Conditioned Negative Declaration:** No

#### **Description of Action: 1.1 FINDINGS**

The Board of Trustees of the Village of Goshen finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of Goshen and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

#### **1.2 STATEMENT OF PURPOSE**

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;



- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

**1.3 OBJECTIVES**

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**Location:** The entire Village of Goshen

**Reasons Supporting This Determination:**

The proposed action is not anticipated to result in any adverse environmental impacts.

Motion to adopt negative declaration for Local Law #7 of 2023 by Trustee Wohl and seconded by Trustee Rouis. The vote was 5 ayes to 0 nays with 0 abstentions. The Mayor declared the Resolution adopted on October 23, 2023.

**RESOLUTION 124 of 2023**

**A RESOLUTION TO APPROVE LOCAL LAW NO. 7 OF 2023 VILLAGE OF GOSHEN HOTEL ROOM OCCUPANCY TAX LAW**

**WHEREAS**, the Village of Goshen Attorney has created a local law; and

**WHEREAS**, a Public Hearing was scheduled and took place on October 23, 2023; and

**NOW, THEREFORE, IT IS HEREBY,**

**RESOLVED**, of the following:

**Section 1. Title**

This Local Law shall be referred to as the "Village of Goshen Hotel Room Occupancy Tax Law."

**Section 2. Amendment**

The Village Code of the Village of Goshen is hereby amended to add a new Article IV to Chapter 50 entitled "Taxation" with the following text:

**Chapter 50. Taxation**

Article IV. Taxation of Hotel Room Occupancy

§ 50-60. Title.

This Article shall be known as the "Village of Goshen Hotel Room Occupancy Tax Law."

§ 50-611. Definitions.

For purposes of this Article, the following definitions shall apply:

**EFFECTIVE DATE**

The date on which this Article is filed with the Secretary of State.

**CLERK**

The Village Clerk of the Village of Goshen

**HOTEL or MOTEL**

Any facility consisting of rentable living space or spaces (units) and providing lodging on an overnight basis shall include those facilities designated and commonly known as short term rentals, "Bed-and-Breakfast", "Air B&B" and "tourist" facilities.

**OCCUPANCY**

The use or possession, or the right to the use or possession, of any room in a hotel.

**OCCUPANT**

A natural person who, for a consideration, uses, possesses or has the right to use or possess any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement or otherwise.

**OPERATOR**

Any person operating a hotel or motel in the Village of Goshen, including, but not limited to, an owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel.

**PERMANENT RESIDENT**

Any natural person occupying any room or rooms in a hotel for at least 90 consecutive days shall be considered a "Permanent Resident" with regard to the period of such occupancy.

**PERSON**

An individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any combination of the foregoing.

**RENT**

The per diem rental rate received for occupancy of each room, valued in money, whether received in money or otherwise, for the occupancy of a room in a hotel for any period of time.

**RETURN**

Any return filed or required to be filed as herein provided.

**ROOM**

Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

§ 50-62. Imposition of tax.

On or after the effective date of this Article, there is hereby imposed and there shall be paid a tax of 5% upon the rent for every occupancy of a room or rooms in a hotel or motel in this Village, except that the tax shall not be imposed upon a permanent resident, or as otherwise provided herein.

§ 50-63. Exempt organizations.

Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this Article:

A. The state of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada), improvement district or other political subdivision of the state;

B. The United States of America, insofar as it is immune from taxation;

C. Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this section;

D. A permanent resident of a hotel or motel.

#### § 50-64. Territorial limits.

The tax imposed by this Article shall apply only within the territorial limits of the Village of Goshen.

#### § 50-65. Registration.

A. Within 10 days after the effective date of this Article or, in the case of operators commencing business after such effective date, within three days after such commencement or opening, every operator shall file with the Clerk a certificate of registration in a form prescribed by the Village Board.

B. The Clerk shall, within five days after such registration, issue without charge to each operator a certificate of authority empowering such operator to collect the tax from the occupant and a duplicate thereof for each additional hotel of such operator. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificate of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificate shall be nonassignable and nontransferable and shall be surrendered immediately to the Clerk upon the cessation of business at the hotel named or upon its sale or transfer.

#### § 50-66. Administration and collection.

A. The tax imposed by this Article shall be administered and collected by the Clerk, or such other Village employee as he/she may designate, by such means and in such manner as are other taxes which are now collected and administered or as otherwise provided by this Article.

B. The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charges made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the Village, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this Article, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant, as if the tax were part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he/she may have in the event of nonpayment of the rent by the occupant; provided, however, that the Clerk or employees or agents duly designated by him/her shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

C. The Clerk may, whenever he/she deems it necessary for the proper enforcement of this Article, provide by regulation that the occupant shall file returns and pay directly to the Clerk the tax imposed at such times as returns are required to be filed and payment made over by the operator.

D. The tax imposed by this Article shall be paid upon any occupancy on and after the effective date of this Article, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after the effective date of this Article. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Clerk may, by regulation, provide for credit and/or refund of the amount of such tax upon application therefore as provided in this Article.

E. For the purpose of the proper administration of this Article and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or occupant. Where an occupant claims exemption from the tax under the provisions of this Article, the rent shall be deemed taxable hereunder unless:

(1) The operator shall receive from the occupant claiming such exemption a copy of a New York State sales tax exemption certificate; or

(2) Unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that the occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association.

#### § 50-67. Records to be kept.

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Clerk may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the Clerk or his/her duly authorized agent or employee and shall be preserved for a period of three years, except that the Clerk may consent to their destruction within that period or may require that they be kept together.

#### § 50-68. Returns.

A. Every operator shall file with the Clerk a return of occupancy and of rents and of the taxes payable thereon for the three-month periods ending the last day of March, June, September and December on and after the effective date of this Article. Such returns shall be filed within 20 days from the expiration of the period covered thereby. The Village Board may permit or require returns to be made for other periods upon such dates as it may specify. If the Village Board deems it necessary in order to ensure the payment of the tax imposed by this Article, it may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as it may specify.

B. The forms of return shall be prescribed by the Village Board and shall contain such information as it may deem necessary for the proper administration of this Article. The Clerk may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

C. If a return required by this Article is not filed, or if a return is incorrectly filed or is insufficient on its face, the Clerk shall take such steps as he/she deems necessary to enforce the filing of such return or of a corrected return.

#### § 50-69. Payment of tax.

At the time of filing a return of occupancy and of rents, each operator shall pay to the Clerk the taxes imposed by this Article upon the rents required to be included in such

return, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this Article; even though it be judicially determined that the tax collected is invalidly required to be filed, it shall be due from the operator and payable to the Clerk on the date prescribed herein for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and taxes due thereon. Where the Clerk in his/her discretion deems it necessary to protect revenues to be obtained under this Article, he/she may require any operator required to collect the tax imposed by this Article to file with him/her a bond, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as the Clerk may find to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the Clerk determines that an operator is to file such bonds, he/she shall give notice to such operator to that effect, specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless, within such five days, the operator shall request, in writing, a hearing before the Clerk at which the necessity, propriety and amount of the bond shall be determined by the Clerk. Such determination shall be final and shall be complied with within 15 days after the giving of notices thereof. In lieu of such bond, securities approved by the Clerk or cash in such amount as he/she may prescribe may be deposited with him/her, which shall be kept in the custody of the Clerk, who may at any time, without notice of the depositor, apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him/her at public or private sale without notice to the depositor thereof.

#### § 50-70. Determination of tax.

Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within thirty days after the giving of the notice of such final determination; provided, however, that any such proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless:

A. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this State as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

B. At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

#### § 50-71. Disposition of revenues.

All revenue resulting from the imposition of the tax under this Article shall be paid into the treasury of the Village and shall be credited to and deposited in the general fund of the Village. Such revenues may be used for any lawful purpose.

#### § 250-72. Refunds.

A. In the manner provided in this section, the Clerk shall refund or credit, without interest, any tax penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Clerk for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the Clerk, he/she shall state his/her reason therefor, in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the Clerk, provided that the

application is made within one year of the payment to the operator, but no actual refund of moneys shall be made to such operator until it shall first establish to the satisfaction of the Clerk, under such regulations as the Clerk may prescribe, that it has repaid to the occupant, or other person who has actually paid the tax, the amount for which the application for refund is made. The Clerk may, in lieu of any refund required to be made, allow credit therefor on payments due or to become due from the applicant.

B. Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Clerk, and such Clerk shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the Clerk in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

C. A person shall not be entitled to a revision, refund or credit of a tax, interest or penalty which had been determined to be due pursuant to the provisions of this Article where it has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail itself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the Clerk made pursuant to this Article unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the Clerk after a hearing or on his/her own motion or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

#### § 50-73. Reserves.

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to him/her on his/her application for refund, the Clerk shall have the option of crediting future tax payments to meet the cost of any settlements or judgments or, at his/her option, may, in the first instance, set up appropriate reserves to meet any decision adverse to the Village.

#### § 50-74. Remedies exclusive.

The remedies provided by this Article shall be the exclusive remedies available to any person for the review of tax liability imposed by this Article, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in a nature of a certiorari proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he/she institutes suit within 30 days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Clerk prior to the institution of such suit and posts a bond for costs as provided in this Article.

#### § 50-75. Penalties and interest.

A. Any person failing to file a return or to pay or pay over any tax to the Clerk within the time required by this Article shall be subject to a penalty of 5% of the amount of tax due plus interest at the rate of 1% of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Article. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this Article.

B. Any operator or occupant and any officer of an operator or occupant failing to file a return required by this Article, or filing or causing to be filed or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Article which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to this Article, or failing to file a registration certificate and such data in connection therewith as the Clerk may by regulation or otherwise require, or failing to display or surrender the certificate of authority as required by this Article or assigning or transferring such certificate of authority; and any operator or any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed or willfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issued or employed by the operator or willfully failing or refusing to collect such tax from the occupant; any operator or any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Article, and any such person or operator failing to keep records required by this Article, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishable by a fine of up to \$1,000, imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this Article and penalties and interest thereon and subject to the fines and imprisonment herein authorized.

C. The certificate of the Clerk to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed or that information has not been supplied pursuant to the provisions of this Article shall be presumptive evidence thereof.

§ 50-76. Returns to be secret.

It shall be unlawful, except in accordance with proper judicial order or as otherwise provided to the fullest extent permitted by law, for the Clerk or employee or designee of the Clerk to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this Article. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Clerk in an action or proceeding under the provisions of this Article or on behalf of any party to any action or proceeding under the provisions of this Article when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his/her duly authorized representative of a certified copy of any return filed in connection with his/her tax nor to prohibit the publication of statistics so classified to prevent the identification of particular returns and items thereof or the inspection by the Village Attorney or other legal representatives of the Village or by the District Attorney of any county of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three years and thereafter, until the Clerk permits them to be destroyed.

§ 50-77. Notices and limitations of time.

A. Any notice authorized or required under the provisions of this Article may be given to the person to whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him/her pursuant to the provisions of this Article or in any application made by him/her or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to who addressed. Any period of time which is determined according to the provisions of this Article by the giving of notice shall commence five days after the date of mailing of such notice.

B. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any

proceeding or action taken by the Village to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Article. However, except in the case of a willfully false, fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of filing of a return; provided, however, that where no return has been filed as provided by law, the tax may be assessed at any time.

C. Where, before expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented, in writing, that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

#### § 50-78. Proceedings to recover tax.

Whenever any operator, any officer of a corporate operator, any occupant, or other person fails to collect and pay over any tax and/or penalty or interest as imposed by this Article, the Village Attorney shall, at the request of the Village Board, bring or cause to be brought an action to enforce the payment of the same on behalf of the Village in any court of the State of New York or of any other state or of the United States. If, however, the Clerk believes that any such operator, officer, occupant, or other person is about to cease business, leave the state, or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, such tax or penalty may be declared to be immediately due and payable, and the Clerk may issue a warrant immediately.

#### § 50-79. General powers of Clerk.

In addition to the powers granted in this Article, the Clerk is hereby authorized and empowered to:

A. Extend for cause shown, the time of filing any return for a period not exceeding 30 days; and for cause shown, to remit penalties, but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;

B. Request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such Tax Commission or Treasury Department relative to any person, notwithstanding any other provision of this Article;

C. Delegate functions hereunder to any employee of Clerk;

D. Prescribe methods for confirming the rents for occupancy and to confirm the accuracy of information on the taxable and nontaxable rents;

E. Require any operator within the Village, if it is determined that adequate records are not being maintained, to keep detailed records of the nature and type of hotel maintained; nature and type of service rendered; number of rooms available and occupied; daily leases, occupancy contracts or arrangements; rents received, charged, and accrued; the names and addresses of the occupants; whether or not any occupancy is claimed to be subject to the tax imposed by this Article; and to furnish such information at the request of the Clerk;

F. Impose as a penalty upon any operator within the Village any necessary costs of auditing services generated by discrepancies discovered upon audit, in the records of the operator; and

G. Make, adopt, and amend such other rules and regulations appropriate to the carrying out of this Article and the purposes thereof as may be approved by the Village of Goshen Village Board.

#### § 50-80. Administration of oaths; compelling testimony.



A. The Clerk or employees or agent(s) duly designated and authorized shall have the power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Article. The Clerk shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of the duties hereunder in the enforcement of this Article, and to examine them in relation thereto. The Clerk shall also have the power to issue commissions for the examination of witnesses who are out of the state, unable to attend, or who are excused from attendance.

B. A Supreme Court Justice, either in court or in chambers, shall have the power to summarily enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and documents called for by the subpoena of the Clerk under this Article.

C. Any subpoenaed person who refuses to testify or produce books or records, or who testifies falsely in any material matter pending before the Clerk under this Article shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than \$1,000 or imprisonment for not more than one year, or both such fine and imprisonment.

D. The officers who serve the summons or subpoena of the Clerk and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein provided otherwise. Such officers shall be the Village of Goshen police, or any officers or employees of the Clerk's office designated to serve such process.

§ 50-81. Accounting and reporting of tax.

From time to time, but no less than quarterly each year, the Clerk shall provide a report to the Village Board, for its audit and review, of all actions taken pursuant to this Article. The Clerk's report shall contain a list of all certificates of registration filed or issued to any operator in the Village of Goshen, and for each operator shall state the returns filed all operators; the returns that have not been timely filed by any operator; the amount of tax determined to be payable by any operator; the tax paid and collected from any operator; any tax that may be due and owing or past due from any operator, and any enforcement action taken to collect any tax due under this Article.

### **Section 3. Authority**

This Local Law is enacted pursuant to special legislation adopted by the State of New York, authorizing the Village of Goshen to enact a hotel, occupancy tax. If any provision of this article, or the application thereof to any person or circumstance, shall be held invalid, the remainder of this article and the application of such provision to other persons or, circumstances shall not be affected thereby.

### **Section 4. Separability**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Village Board of the Village of Goshen hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

### **Section 5. Construction and Enforcement**

This article shall be construed and enforced in conformity with Articles 28 and 29. of the Tax Law of the State of New York," including, but not limited to New York State Tax Law §1202-ii which became effective August 23, 2023.

### **Section 6. Rules and Regulations**

The Village Board is authorized to adopt rules and regulations, by resolution, to further implement the provisions of this Local Law.

### **Section 7. Repeal**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Motion to adopt by Trustee Wohl and seconded by Trustee Rouis. The vote was 0 ayes to 0 nays with 0 abstentions. The Mayor declared the Resolution adopted on October 23, 2023.

4. Appointment of R. Matyus to ZBA

**RESOLUTION 125 of 2023**

**A RESOLUTION TO APPROVE THE MAYOR APPOINTMENT OF ZONING BOARD OF APPEALS BOARD MEMBER RICHARD MATYUS**

**WHEREAS**, there is a vacancy on the Zoning Board of Appeals; and

**WHEREAS**, pursuant to Section 3-312 of the New York State Village Law, the Mayor is empowered to fill vacancies in elected office;

**NOW, THEREFORE, IT IS HEREBY,**

**RESOLVED**, that Molly O'Donnell, as the Mayor of the Village of Goshen does hereby appoint Richard Matyus as a Zoning Board of Appeals Board Member of the Village of Goshen subject to the terms and provisions of Village Law Section 3-312.

Motion to adopt by Trustee Gurda and seconded by Trustee Hand. The vote was 5 ayes to 0 nays with 0 abstentions. The Mayor declared the Resolution adopted on October 23, 2023.

5. Use of Village Property Application: Flags for Our Heroes

**RESOLUTION 126 of 2023**

**A RESOLUTION APPROVING THE ROTARY CLUB OF GOSHEN, NEW YORK EVENT, FLAGS FOR HEROES FROM 10/29/2023 – 11/18/2023**

**WHEREAS**, a complete application for use of Village Property, including the required certificate of insurance, was received by Mark Gargiulo of the Rotary Club of Goshen, New York; and

**WHEREAS**, the request is for an event titled, Flags for Heroes, where the community can pay tribute to the heroes in our lives; and

**NOW, THEREFORE, IT IS HEREBY,**

**RESOLVED**, that the Village Board of Trustees approved the following:

- Application for use of Village property for the Flags for Heroes event from October 29, 2023 through November 18, 2023; and
- The application is subject to review by DPW and Police Department, including placement of signage and flags.

Motion to adopt by Trustee Rouis and seconded by Trustee Gurda. The vote was 5 ayes to 0 nays with 0 abstentions. The Mayor declared the Resolution adopted on October 23, 2023.

6. Starbucks Signage

**RESOLUTION 127 of 2023**

**A RESOLUTION TO APPROVE STARBUCKS DIRECTIONAL SIGNAGE AT GOSHEN PLAZA**

**WHEREAS**, per section 7.6.7 of the Village Code, Directional Signs are to be approved by the Village Board as to location and size; and

**WHEREAS**, Signage Plans have been received for Starbucks at Goshen Plaza; and

**NOW, THEREFORE, IT IS HEREBY,**

**RESOLVED**, that the Village Board of Trustees approves the Signage Plans for Starbucks, subject to any variances required.

Motion to adopt by Trustee Wohl and seconded by Trustee Gurda. The vote was 5 ayes to 0 nays with 0 abstentions. The Mayor declared the Resolution adopted on October 23, 2023.

7. Lanc & Tully Dam Proposal

**RESOLUTION 128 of 2023**

**A RESOLUTION ACCEPTING LANC AND TULLY ENGINEERING AND SURVEYING, P.C.'S PROPOSAL TO PROVIDE ENGINEERING SERVICES TO ADDRESS DAM INADEQUACIES AS NOTED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION DAM SAFETY DIVISION**

**WHEREAS**, Lanc and Tully are the engineering consultants for the Village of Goshen; and

**WHEREAS**, Lanc and Tully has prepared a cost estimate to provide engineering services for the preparation of design plans and permitting for addressing inadequacies as noted by the NYSDEC Dam Safety Division, which dates back to 2014; and

**WHEREAS**, the proposal will allow Lanc & Tully to updated plans and reports on the proposed dam improvements in order to submit and ultimately obtain permit approval for dam upgrades; and

**NOW, THEREFORE, IT IS HEREBY,**

**RESOLVED**, that the Village of Goshen accepts Lanc and Tully's engineering proposal dated 9/6//23 to provide engineering services for the preparation of design plans and permitting for addressing inadequacies as noted by the NYSDEC Dam Safety Division for a cost not to exceed \$14,000.00 without further approval.

Motion to adopt by Trustee Rouis and seconded by Trustee Wohl. The vote was 5 ayes to 0 nays with 0 abstentions. The Mayor declared the Resolution adopted on October 23, 2023.

8. Goshen Plaza Release Bond

**RESOLUTION 129 of 2023**

**A RESOLUTION TO AUTHORIZE BOND RELEASE FOR GOSHEN SHOPPING PLAZA PER THE VILLAGE ENGINEER**

**WHEREAS**, Lanc and Tully are the engineering consultants for the Village of Goshen; and

**WHEREAS**, Lanc and Tully provided a letter stating that based on their oversight and inspections during the construction process, along with conversations with Village of Goshen Superintendent Birney, Lanc and Tully believed all required infrastructure improvements were constructed in general conformance with the approved site plans; and

**WHEREAS**, Lanc and Tully had no objection to the release of the bond; and

**NOW, THEREFORE, IT IS HEREBY,**

**RESOLVED**, that the Village of Goshen authorizes the \$100,000 bond release for the Goshen Shopping Plaza per the Village Engineer.

Motion to adopt by Trustee Gurda and seconded by Trustee Rouis. The vote was 5 ayes to 0 nays with 0 abstentions. The Mayor declared the Resolution adopted on October 23, 2023.

9. Towing Award

**RESOLUTION 130 of 2023**

**A RESOLUTION AWARDING THE TOWING BID TO CHET'S TOWING FOR A TERM OF THREE YEARS STARTING NOVEMBER 1, 2023 THROUGH OCTOBER 31, 2026**

**WHEREAS**, the Village of Goshen has heretofore solicited proposals pursuant to a "Request for Proposals" (hereinafter "RFP") duly issued September 5, 2023 wherein and whereby the Village invited the submission of proposals and statements of qualification from qualified tow companies for the purpose of providing 24-hours a day, 7 days a week service for the removal, towing and storage impoundment of certain motor vehicles as is more particularly described in the RFP; and

**WHEREAS**, towing services are services that require special skills and/or training and constitute an exception to competitive bidding requirements as provided by law and are therefore not subject to competitive bidding requirements and may be awarded in accordance with the procedures promulgated pursuant to Section 104-b of the *General Municipal Law*; and

**WHEREAS**, the Village of Goshen has publicly advertised a notice in the official newspaper of the Village seeking responses to the RFP from qualified towing companies and has also directly solicited certain towing companies so as to attempt to obtain multiple proposals so that the most qualified tow company could be selected to provide the required services to the Village; and

**WHEREAS**, the Village has further developed a process that provides for public solicitation of proposals, has established and disclosed the criteria for selection in writing prior to the solicitation of proposals and has publicly opened such proposals and now desires to award this professional service contract as provided by law; and

**WHEREAS**, one firm has submitted a proposal, Chet's Garage, Inc.; and

**WHEREAS**, the Village Board has carefully analyzed the proposal submitted by Chet's Garage; and

**WHEREAS**, the said proposal was examined pursuant to the criteria set forth in the RFP, with the following items being carefully considered:

- Experience, credentials and ability to provide a high level of service;
- Responsiveness to the requested proposals, including demonstrated commitment to customer service;
- Quality and performance of services offered based on previous experience and/or reference checks for the same or similar services;
- Completeness of proposal, including following direction and providing all requested information.
- Location, safety and security of storage yard; and

**WHEREAS**, Chet's Towing, Inc., possesses the experience, credentials and ability required by the Village and has provided a high level of service in connection with the towing services it has heretofore provided to the Village; and

**WHEREAS**, Chet's Towing, Inc. has demonstrated responsiveness to the requested proposal and has further demonstrated commitment to customer service; and

**WHEREAS**, the safety and security of the Chet's Towing, Inc. storage yard meets all pertinent Village requirements; and

**WHEREAS**, the proposal submitted by Chet's Towing, Inc. is complete and has provided all pertinent requested information; and

**WHEREAS**, on balance, and after carefully evaluating all of the proposals that have been submitted, and upon due deliberation and for the reasons set forth herein, the Village Board finds that a contract award to Chet's Towing Inc. is in the best interests of the Village;

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the three (3) year contract is awarded to Chet's Towing Inc. upon the terms, provisions and conditions that are set forth in the RFP and upon due execution of the required contract by Chet's Towing, Inc.; and it is further

**RESOLVED** that the Mayor is duly authorized to affix her signature to said contract after it has been executed by Chet's Towing, Inc.

Motion to adopt by Trustee Gurda and seconded by Trustee Wohl. The vote was 4 ayes to 0 nays with 1 abstentions. The Mayor declared the Resolution adopted on October 23, 2023.

### **Mayor/Trustee Comments**

Trustee Rouis shared how great the GoGoshen app was and thanked all involved.

Trustee Wohl thanked the police department for working with St. John's on conducting lockdown drills for their students and staff. He also thanked Superintendent Birney on a successful hydrant flushing.

Trustee Gurda wished everyone a safe and Happy Halloween.

Trustee Hand did not have anything to report.

### **Citizen Comments**

Alana Bandman, owner of Celtic Valley Carriage spoke at the meeting and shared she has a small farm in Middletown with horses and other animals. She'd like to offer carriage rides on Main Street as she feels like it would add a nice element to the community. Ms. Bandman did have pictures of her horses and shared that they did Mayor O'Donnell suggested reaching out to other organizations to streamline a time of when they were considering to have carriage rides. Mayor O'Donnell advised that any proposals could be given to Village Clerk Darby.

### **Department Head Comments**

Chief Watt reported that on October 11<sup>th</sup> a 13-year-old girl was struck by a vehicle near St. John's. He used this opportunity to remind everyone to use caution especially on Halloween. Chief Watt also shared that Detective Kozlowski attended a commodation ceremony hosted by Governor Hochul thanking the first responders to the fatal accident on 84 earlier in September, where he was issued a NYS Governor's Medal. Ptl. Harter and K9 Walker were also invited but unable to attend.

DPW Superintendent Birney reported on the following:

The following represents the major activities of the Department of Public Works from September 26, 2023 through October 23, 2023.

## **STREETS**

1. Mowed lawns and trimmed at parks, Village owned properties and firehouses
2. Collected yard waste throughout Village - last day is November 17th
3. Swept various Village streets
4. Restored shoulders on repaved Oxford and Crescent
5. Hot asphalt patching throughout Village
6. Assist Hamptonburg with fall cleanup with garbage truck
7. Assist Town of Goshen with fall cleanup with garbage truck
8. Remove and store flower baskets and drain fountain
9. Crack sealing various roads throughout Village
10. Started bulk vacuum leaf collection
11. Mowing Village right-of-ways

## **WATER**

1. Completed Bi-Annual flushing of fire hydrants

## **SEWER**

1. Worked with vendor to remove protruding lateral taps in sewer mains identified by Rural Water Condition surveys
2. Continued televising condition of sewer mains with Rural Water
3. VacCon is down for repairs

Village Clerk Darby reported that she has been working with Haroulla Gale on scheduling Sexual Harassment Training for all Village employees are required to attend one of the trainings. In addition, she is working on a recycling grant for the Village. Village Clerk Darby applauded her staff for the water/sewer audit they've been working on and have identified accounts that have been under or overbilled. Lastly, Treasurer Winters has been working hard on the annual SEC filing.

Mayor O'Donnell shared to download the GoGoshen app and keep an eye open for more information coming about overnight parking.

On a motion by Trustee Rouis, seconded by Trustee Wohl, the Meeting was adjourned at 7:23 pm.

Hand	aye
Gurda	aye
O'Donnell	aye
Rouis	aye
Wohl	aye