

Village Board Meeting
May 14, 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 recognized Town Councilman Newbold and Town Attorney Caplicki.

On a motion by Trustee Char, seconded by Trustee Brady, the Agenda was modified by the addition of Item of Business #11: Quick Chek – acceptance of bonding, escrow, and sidewalk contribution; and an Executive Session prior to adjournment for a discussion of employment history of a particular person.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

On a motion by Trustee Stewart, seconded by Trustee Char, the Minutes of the April 23, 2012 Village Board Meeting were accepted as submitted.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

The Minutes of the May 7, 2012 Village Board Work Session were withdrawn due to lack of a quorum.

Communications

For informational purposes, Mayor Roddey noted Alcoholic Beverage License Renewal Applications received from Il Limon Cella Inc. and Bistro Lilly.

Mayor Roddey read a letter from the Great American Weekend Committee regarding placement of various temporary signs throughout the village.

On a motion by Trustee Char, seconded by Trustee Brady, the temporary signs request was granted.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

Mayor Roddey read a letter from the Assistant Store Manger of lululemon athletica regarding a planned fitness event to be held in the village.

On a motion by Trustee Char, seconded by Trustee Stewart, the event was given provisional approval, subject to the requirements outlined by the Chief of Police.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

Items of Business

On a motion by Trustee Brady, seconded by Trustee Stewart, bills as examined by members of the Board were approved in accordance with Abstract 2011/2012 number 25, check numbers 3335 through 3396, and wire transfers 17 and 18, in the amount of \$9,578,290.76.

Brady aye
Char aye
Smith absent
Stewart aye

On a motion by Trustee Brady, seconded by Trustee Char, Joshua Bell and Manuel A. Orellana are hereby authorized to attend the NYWEA seminar on Confined Space Awareness June 20, 2012, in Fishkill, NY. It is understood that the total cost of this training is \$80.00.

Brady aye
Char aye
Smith absent
Stewart aye

On a motion by Trustee Brady, seconded by Trustee Char, Joshua Bell and Brian Ritchings are hereby authorized to attend the New York Rural Water Association's training session on June 6, 2012, in Fishkill, NY. It is understood that the total cost of this training is \$150.00, and that the NYS DOH/DEC will grant 6.0 contact hours toward recertification.

Brady aye
Char aye
Smith absent
Stewart aye

On a motion by Trustee Char, seconded by Trustee Stewart, the following rates for current part-time employees will become effective June 1, 2012. These rates reflect a 4% increase.

Court Officer	14.42
Dispatcher	15.78
Police Officer – PT	21.51
Clerk	14.56

Brady aye
Char aye
Smith absent
Stewart aye

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

Resolved: _____, _____ and _____ are chosen to be the recipients of the Village of Goshen Scholarship for 2012. The total amount of \$3600.00 is to be divided equally.

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

Brady	aye
Char	aye
Smith	absent
Stewart	aye

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

WHEREAS, Eastgate Corporate Park, LLC 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 property located at Coates Drive in the Village of Goshen, which property is designated on the tax map as Section 123, Block 1, Lots 5.1 and 5.2; 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 Eastgate Corporate Park, LLC, 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 Catherine M. Bartlett, 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 Eastgate Corporate Park, LLC;

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 \$17,314.43, and to deliver the same to Eastgate Corporate Park, LLC as provided for in said Consent Judgment.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

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

WHEREAS, 155 Orange, LLC, 157 Orange, LLC and Chester LeBaron 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

property located at 65 Spring Street in the Village of Goshen, which property is designated on the tax map as Section 109, Block 2, Lots 4 and 5; 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 155 Orange, LLC, 157 Orange, LLC and Chester LeBaron, 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 Catherine M. Bartlett, 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 155 Orange, LLC, 157 Orange, LLC and Chester LeBaron;

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 \$852.69, and to deliver the same to 155 Orange, LLC, 157 Orange, LLC and Chester LeBaron as provided for in said Consent Judgment.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF GOSHEN
DECLARING ITSELF LEAD AGENCY AND ISSUING A NEGATIVE DECLARATION
PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT IN
CONNECTION WITH THE PROVISION OF WASTE WATER TREATMENT SERVICES
TO THE ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS FACILITY
LOCATED AT 2455-2459 ROUTE 17M, GOSHEN, NEW YORK IN THE TOWN OF
GOSHEN.**

WHEREAS, the Village provides municipal waste water treatment services for improved properties located in the Village and further provides waste water treatment services for certain improved properties outside the Village of Goshen pursuant to written agreements authorized by the applicable provisions of the General Municipal Law; and

WHEREAS, the Village has agreed to provide sewer services to the County of Orange as an Out-of-Village User; and

WHEREAS, the Village's proposed action of entering into a contract for waste water treatment services is an action which is subject to the New York State Environmental Review Act ("SEQRA"); and

WHEREAS, the Village has before it a completed draft Environmental Assessment Form ("EAF") in regard to the proposed action;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Mayor is hereby authorized to sign the completed EAF, and
2. That the proposed action is an Unlisted Action;
3. That the Village Board, after due consideration of all the facts and circumstances in this matter does hereby adopt the annexed Negative Declaration.

On a motion made by Trustee Brady, seconded by Trustee Stewart, the resolution was adopted by a vote of 3 ayes and 0 nays with 0 abstentions.

SEQRA NEGATIVE DECLARATION

Notice Of Determination Of Non-Significance

Lead Agency: Village of Goshen Village Board
276 Main Street
Goshen, New York 10924

Date: May 14, 2012

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law. The lead agency has determined that the proposed action described will not have a significant effect on the environment.

Title of Action: Provision of Municipal Waste Water Treatment Services to an Out-of-Village User.

SEQRA Status: Unlisted

Description of Action: The Village is agreeing to provide waste water treatment services to an Out-of-Village User.

Location: 2455-2459 Route 17M, Goshen, New York

Reasons Supporting This Determination:

The Village of Goshen recently completed construction of completely upgraded, state of the art, waste water treatment facility. The Village engineer will certify that the plant has sufficient capacity to process the additional flow to the plant taking into account the current and future sewer needs of property located in the Village of Goshen. Utilization of this facility represents a substantial environmental improvement over the use of septic or leaching systems such as were in place at the County Department of Works facility. Moreover, the facility that will be connected to the Village waste water treatment plant is in close proximity to the plant thereby eliminating the need for any costly improvements such as pumping stations to gain access to the plant. Lastly, the Village believes that it is in the overall public interest to facilitate additional hook-ups to the Village waste water treatment plant, provided the Village Engineer certifies that the additional hook-ups do not overburden the existing plant and provided further that the existing facility has remaining capacity available to those properties situate in the Village which are yet to be developed, as additional users will bring revenue into the overall

operation, maintenance and debt service of the waste water treatment facilities so as to reduce overall cost to the Village rate payers.

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

WHEREAS, as part of a statewide effort to update its wetland maps and extend its jurisdiction, the New York State Department of Environmental Conservation (DEC) is finalizing new wetland maps for all of Orange County, and portions of Ulster and Sullivan Counties; and

WHEREAS, the new maps will increase the size of DEC's regulated wetlands in Orange County by an additional 16,000 acres, and in Ulster County by 4,000 acres. DEC has stated that the new maps will have at least a 50% increase in wetlands under the DEC's jurisdiction; and

WHEREAS, this amount does not include the acreage constrained by the 100-foot regulated buffer. The addition of the buffer acreage will significantly increase the amount of land subject to DEC jurisdiction; and

WHEREAS, the majority of these wetland areas are already regulated and protected by the U.S. Army Corps of Engineers (USACOE); and

WHEREAS, by law, the DEC can only impose a 100-foot buffer around wetlands that are 12.4 acres in size or larger, unless the DEC deems the wetland to be a resource of unusual local importance; and

WHEREAS, the new maps increase DEC's jurisdiction by including wetlands that are already regulated by the USACOE; and

WHEREAS, the new maps will affect businesses, landowners and municipalities alike; and

WHEREAS, upon publication, the new DEC maps will likely be extremely controversial, costly and detrimental to the economic recovery in Orange County; and

WHEREAS, there is a better way for New York to protect its valuable wetland resources without unduly burdening economic development. New York could assume the Section 404 Permit Program from the USACOE, as fourteen other states have already done. The wetlands that DEC wishes to regulate are already regulated by the USACOE, and anyone proposing to disturb them must apply to both the USACOE and the DEC. This process is not only duplicative and time-consuming, it can also result in conflicting requirements imposed by either agency; and

WHEREAS, there would be several benefits should New York assume the 404 Permit Program, including:

- The maps would no longer be needed, as the 404 Permit Program regulates wetlands based on actual field conditions -- not on maps that are prone to inaccuracies and staleness over time.
- Although New York would not need to spend the time, effort and money on maintaining maps, the wetlands would still be protected through the existing USACOE permit process, which would be taken over by the DEC.
- Applicants would only need to apply to the DEC – not both the DEC and the USACOE; and
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WHEREAS, this is a matter of significant concern to the Village of Goshen and its citizens;

NOW, THEREFORE, the Village Board of the Village of Goshen does hereby express its unanimous opposition to the new DEC maps and urges, instead, that New York assume the federal 404 program, and further directs that a copy of this resolution be transmitted to Governor Andrew M. Cuomo for his consideration.

Trustee Brady	aye
Trustee Char	aye
Trustee Smith	absent
Trustee Stewart	aye

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF GOSHEN DECLARING ITSELF LEAD AGENCY AND ISSUING A NEGATIVE DECLARATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT IN CONNECTION WITH THE PROVISION OF WASTE WATER TREATMENT SERVICES TO THE HERITAGE ESTATES SINGLE-FAMILY RESIDENTIAL SUBDIVISION IN THE TOWN OF GOSHEN.

WHEREAS, the Village provides municipal waste water treatment services for the residents of the Village and further provides waste water treatment services for certain residents outside the Village of Goshen pursuant to written agreements authorized by the applicable provisions of the General Municipal Law; and

WHEREAS, the Village has agreed to provide sewer services to an Out-of-Village User known as "Heritage Estates" which is a 75 lot single-family residential home subdivision which will be located within the boundaries of the expanded sewer district in the Town of Goshen known as "Sewer District #1 (Hambletonian Park Sewer District); and

WHEREAS, the Heritage Estates subdivision generally, and the use of the Village waste water treatment facility specifically, have been heretofore fully analyzed and studied during the full environmental review, culminating in a findings Statement adopted by the Town of Goshen Planning Board; and

WHEREAS, the Village's proposed action of entering into a contract for waste water treatment services is an action which is subject to the New York State Environmental Review Act ("SEQRA"); and

WHEREAS, the Village has before it a completed draft Environmental Assessment Form ("EAF") in regard to the proposed action;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Mayor is hereby authorized to sign the completed EAF, and
2. That the proposed action is an Unlisted Action;

3. That the Village Board, after due consideration of all the facts and circumstances in this matter does hereby adopt the annexed Negative Declaration.

On a motion made by Trustee Char, seconded by Trustee Brady, the resolution was adopted by a vote of 3 ayes and 0 nays with 0 abstentions.

SEQRA NEGATIVE DECLARATION

Notice Of Determination Of Non-Significance

Lead Agency: Village of Goshen Village Board
276 Main Street
Goshen, New York 10924

Date: May 14, 2012

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law. The lead agency has determined that the proposed action described will not have a significant effect on the environment.

Title of Action: Provision of Municipal Waste Water Treatment Services to an Out-of-Village User.

SEQRA Status: Unlisted

Description of Action: The Village is agreeing to provide waste water treatment services to an Out-of-Village User.

Location: North side of Old Chester Road, Goshen, New York

Reasons Supporting This Determination:

The Village of Goshen recently completed construction of completely upgraded, state of the art, waste water treatment facility. The Village engineer will certify that the plant has sufficient capacity to process the additional flow to the plant taking into account the current and future sewer needs of property located in the Village of Goshen. Utilization of this facility represents a substantial environmental improvement over the use of multiple, smaller, sewer treatment plants to treat only limited areas. The Village finds that it is in the overall public interest to facilitate additional hook-ups to the Village waste water treatment plant, provided the Village Engineer certifies that the additional hook-ups do not overburden the existing plant and provided further that the existing facility has remaining capacity available to those properties situate in the Village which are yet to be developed, as additional users will bring revenue into the overall operation, maintenance and debt service of the waste water treatment facilities so as to reduce overall cost to the Village rate payers. Lastly, the recently signed inter-municipal agreement between the Village and Town of Goshen envisioned the expansion of the Hambeltonian Park Sewer District and the utilization of the Village waste water treatment facility to accommodate the waste water disposal needs of the Heritage Estates subdivision.

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

WHEREAS, the Village of Goshen is the owner and operator of a municipal waste water treatment facility; and

WHEREAS, the Village Engineer has heretofore confirmed that the Village presently has capacity in the Village waste water treatment facility to accommodate both the present and future needs of the Village of Goshen and to further provide capacity to a limited number of users outside of the Village; and

WHEREAS, the owners/developers of a certain single-family residential subdivision known as "Heritage Estates," located wholly within the Town of Goshen and consisting of 75 proposed new single-family homes have requested that the Village of Goshen provide waste water treatment services to this subdivision as an "Out-of-Village User"; and

WHEREAS, the Heritage Estates project was the subject of a full Environmental review pursuant to the State Environmental Quality Review Act ("SEQRA") and a full Findings Statement was adopted that fully studied and analyzed the use of the Village waste water treatment plant by the Heritage subdivision; and

WHEREAS, Heritage Estates has received Conditional Final Subdivision Approval from the Town of Goshen Planning Board allowing for the creation of 75 single-family residential homes on the property therein described; and

WHEREAS, the Village of Goshen and the Town of Goshen have heretofore entered into an Intermunicipal Sewer service Agreement, dated December 13, 2011, wherein and whereby the Village of Goshen has agreed to provide waste water treatment services to certain residential properties located wholly within the Town of Goshen; and

WHEREAS, said Intermunicipal Agreement allows for additional users to gain access to the village plant under certain circumstances set forth in the Intermunicipal Agreement; and

WHEREAS, Heritage Estates is proposed to be located within an expansion to a sewer district known as "Town of Goshen Sewer District #1 (Hambletonian Park Sewer District)"; and

WHEREAS, pursuant to the terms, provisions and conditions of said Intermunicipal Agreement, approval of the Town shall be required prior to the Village providing waste water treatment services to the Heritage Estates Subdivision; and

WHEREAS, the Village believes that it is in the overall public interest to facilitate additional hook-ups to the Village waste water treatment plant, provided the Village Engineer certifies that the additional hook-ups do not overburden the existing plant and provided that the existing facility has remaining capacity available to those properties situate in the Village which are yet to be developed, as additional users will bring revenue into the overall operation, maintenance and debt service of the waste water treatment facilities so as to reduce overall cost to the Village rate payers;

NOW, THEREFORE, it is hereby

RESOLVED, that the Village hereby agrees to provide waste water treatment services to the Heritage Estates single-family residential subdivision, as part of the expanded Hambletonian Park Sewer District, subject to the following conditions:

- 1.) Satisfaction of any and all conditions imposed by the Town of Goshen Planning Board and/or the Town of Goshen Town Board that are conditions precedent to the issuance of any building permits;

- 2.) Final certification from the Village Engineer that there is sufficient capacity in the Village waste water treatment plant to accommodate both the current and anticipated needs of the Village of Goshen as well as accommodate the needs of the Heritage Estates single-family residential subdivision;
- 3.) Payment of certain fees to the Village of Goshen which fees are equal to the amount of \$2,500.00 per lot for each lot in the Heritage Estates Subdivision which fees shall be paid as follows: \$1,000.00 for each lot shall be paid at the time of subdivision map filing and \$1,500.00 shall be paid to the Village of Goshen at the time of application for a building permit for each single-family residential dwelling in the Town of Goshen.

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

Engineer Tully explained a letter from his firm which outlined the bonding, escrow, and sidewalk costs as listed in the Final Site Plan Resolution issued by the Village Planning Board for the Quick Chek project.

Trustee Char moved, and Trustee Stewart seconded that the Village Board establish the following: a Landscape Performance Guarantee in the amount of \$122,293.75 and Project Restoration Security in the amount of \$20,000.00, both in a form satisfactory to the Village Attorney; Escrow for construction inspection of non-public improvements in the amount of \$5,000.00. Further, the Mayor is authorized to sign the developer's agreement for receipt of sidewalk construction funds in the amount of \$46,700.00.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

Mayor/Trustee Comments

Trustee Brady reported that on April 25th a 6" water main was repaired on Montgomery Street, and that the reservoir is currently – 4". He also noted that he and Mayor Roddey had attended the recent NYCOM conference, which he found very helpful.

Trustee Stewart reported the following major activities of the Department of Public Works: Spring clean up week has been completed and ran smoothly; the DPW assisted in the demolition and clean-up of the water tower at Salesian Park; crews have mulched in all of the parks; catch basins are being cleaned out; parking meters have been emptied; and parking meter posts have been painted in the downtown area.

Trustee Char noted that the Memorial Day Parade will step off at 11:00 a.m. from the County Government Center on Monday, May 28th.

Mayor Roddey offered thanks to the members of the Village of Goshen Bicentennial Committee who had held their Legacy Project Presentation prior to the meeting. He noted the wonderful "Walking Tour Map of Historic Goshen" which has been installed in the village green, and the fact that the balance of the Bicentennial proceeds has been donated to Goshen Restoration and will be used for the Harriman fountain restoration.

Citizens' Comments

Comments were received from Joel Markowitz

On a motion by Trustee Char, seconded by Trustee Stewart, the Board voted to enter into Executive Session at 8:20 p.m. for discussion of employment history of a particular employee.

Brady	aye
Char	aye
Smith	absent
Stewart	aye

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

Brady	aye
Char	aye
Smith	absent
Stewart	aye