

Village Board Meeting
February 14, 2011

Members present: Mayor Higgins, Trustees Char, Mattheus, and Roddey. Absent: Trustee Stewart.

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

Mayor Higgins called the meeting to order at 7:30 p.m. and led those present in the Pledge of Allegiance and a moment of silence to honor the memory of Geri Stewart, recently deceased mother of Trustee Stewart.

On a motion by Trustee Char, seconded by Trustee Mattheus, the Agenda was amended by the addition of Items of Business #4: Bond Resolution.

Char	aye
Mattheus	aye
Roddey	aye
Stewart	absent

On a motion by Trustee Roddey, seconded by Trustee Char, the Minutes of the January 24, 2011 Village Board Meeting were accepted as submitted.

Char	aye
Mattheus	aye
Roddey	aye
Stewart	absent

Communications

Mayor Higgins reviewed alcoholic beverage license renewal applications from New Street Tavern and High Withers Wine & Spirits.

Mayor Higgins read a letter from Robert J. Dickover, Race Director for the 2011 Great American Weekend 5K and 10K road races.

On a motion by Trustee Mattheus, seconded by Trustee Roddey, approval was granted for the races, predicated upon receipt of the necessary insurance certificate and coordination with Chief Watt.

Char	aye
Mattheus	aye
Roddey	aye
Stewart	absent

Mayor Higgins read a letter from the Mid-Hudson St. Patrick's Day Parade Committee requesting permission to place a sign in Village Square.

On a motion by Trustee Char, seconded by Trustee Roddey, permission for the sign was granted.

Char	aye
Mattheus	aye
Roddey	aye
Stewart	absent

On a motion by Trustee Roddey, seconded by Trustee Mattheus, bills as examined by members of the Board were approved in accordance with Abstract 2010/2011 number 21, check numbers 1033 through 1098 in the amount of \$78,510.24.

Char	aye
Mattheus	aye
Roddey	aye
Stewart	absent

Items of Business

On a motion by Trustee Roddey, seconded by Trustee Char, the Board hereby accepts the proposal from Cornerstone Environmental Group, LLC, dated January 26, 2011, for additional sampling and analytical testing of the stockpiled material located on Village property adjacent to Route 17M. The Mayor is hereby authorized to sign the proposal, which has estimated lab and shipping fees of \$14,000.

Char	aye
Mattheus	aye
Roddey	aye
Stewart	absent

On a motion by Trustee Mattheus, seconded by Trustee Char, Cynthia Ceconello and Michael Nuzzolese are hereby authorized to attend the Hudson Valley Water Works Conference on February 24, 2011 at the IBEW Hall in Harriman, NY. It is understood that the total cost of this training is \$70.00, and that 4.5 water operator contact hours will be awarded each participant.

Char	aye
Mattheus	aye
Roddey	aye
Stewart	absent

The following was moved, for discussion, by Trustee Roddey, and seconded, for discussion, by Trustee Char:

WHEREAS, the Village of Goshen will be compelled to raise their existing capital assessment on sewer charges for the purpose of paying the debt incurred in connection with the construction of the new Waste Water Treatment Facility as well as the debt incurred relative to the disposition of the material excavated from the abandoned Village Landfill to accommodate the construction of said Treatment Facility; and

WHEREAS, the proposed increase to the current special assessment will require a public hearing prior to implementation,

NOW, THEREFORE, it is hereby

RESOLVED, that the Village Board for the Village of Goshen hereby schedules a public hearing for Monday, March 14, at 7:30 p.m. or as soon thereafter as the matter may be heard, at the _____ for the purpose of considering an increase in the sewer special assessment to \$_____ per unit per quarter for the purpose of paying the debt incurred relative to the construction of the new Waste Water Treatment Facility and the debt incurred in connection with the disposition of the material excavated from the abandoned Village Landfill to accommodate the construction of said Treatment Facility.

Following discussion, a roll call voted resulted as follows:

Char	no
Mattheus	no
Roddey	no
Stewart	absent

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

WHEREAS, the Village of Goshen has heretofore undertaken a project involving the closure and reclamation of an abandoned Village Landfill and the creation of a temporary stockpile consisting of the soil and waste material excavated from said landfill ; and

WHEREAS, the Village has now authorized the undertaking of the work associated with the disposition of the stockpiled material; and

WHEREAS, this work was previously reviewed pursuant to the to the implementing regulations of the Environmental Conservation Law set forth at 6 NYCRR Part 617 et seq.; and

WHEREAS, as a result of said review a Negative Declaration was duly issued pursuant to 6 NYCRR 617.7 by the Village Board, as Lead Agency, on March 20, 2006 thereby concluding the environmental review required for the creation and disposition of the stockpiled material; and

WHEREAS, the Village must now authorize the borrowing of monies to pay the costs associated with the disposition of the stockpiled materials; and

WHEREAS, there are no other agencies involved with this borrowing, coordinated review is not required and the Village Board shall act as lead agency in connection with the borrowing; and

WHEREAS, the Village Board determines that the necessary borrowing in connection with the disposal of the stockpiled material will have no significant adverse environmental impact;

NOW, THEREFORE, it is hereby

RESOLVED, that the Village Board of the Village of Goshen issues a Negative Declaration in connection with the adoption of this borrowing.

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

Trustee Char offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE VILLAGE OF GOSHEN, NEW YORK, ADOPTED FEBRUARY 14, 2011, AUTHORIZING THE ABANDONMENT OF A REFUSE DISPOSAL AREA, CONSISTING OF THE REMOVAL AND DISPOSAL OF STOCKPILED LANDFILL MATERIAL, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$7,000,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$7,000,000 SERIAL BONDS OF SAID VILLAGE TO FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF GOSHEN, IN THE COUNTY OF ORANGE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Goshen, in the County of Orange, New York (herein called the "Village"), is hereby authorized to abandon a refuse disposal area, consisting of the removal and disposal of stockpiled landfill material, including engineering and planning costs. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$7,000,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$7,000,000 serial bonds of the Village to finance said appropriation and the levy and collection of taxes upon all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Village in the principal amount of \$7,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 6-b of the Law, is twenty (20) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village without limitation of rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published in the "*Independent Republican*," a newspaper having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF GOSHEN, NEW YORK

PLEASE TAKE NOTICE that on February 14, 2011, the Board of Trustees of the Village of Goshen, in the County of Orange, New York, adopted the bond resolution entitled:

"Bond Resolution of the Village of Goshen, New York, adopted February 14, 2011, authorizing the abandonment of a refuse disposal area, consisting of the removal and disposal of stockpiled landfill material, stating the estimated maximum cost thereof is \$7,000,000, appropriating said amount for such purpose, and authorizing the issuance of \$7,000,000 serial bonds of said Village to finance said appropriation,"

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Goshen to abandon a refuse disposal area, consisting of the removal and disposal of stockpiled landfill material, including engineering and planning costs; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$7,000,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$7,000,000 serial bonds of the Village to finance said appropriation, and the levy of taxes upon all the taxable real property within the Village to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of \$7,000,000 serial bonds of the Village pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is twenty (20) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$7,000,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: February 14, 2011

Margaret G. Strobl
Village Clerk

Section 8. The Village Clerk is hereby authorized and directed to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

The adoption of the foregoing resolution was seconded by Trustee Roddey and duly put to a vote on roll call, which resulted as follows:

AYES: 4

NOES: 0

The resolution was declared adopted.

Mayor/Trustee Comments

Trustee Mattheus, reporting for Trustee Stewart, urged residents to please help clear the area around any fire hydrant in their neighborhood.

Trustee Mattheus noted that several water main breaks had been repaired recently, and that the reservoir is currently down 10”.

Trustee Char reminded residents to clear sidewalks on their property of snow and ice. Trustee Char expressed sympathy to Trustee Stewart and his family on the recent loss of his mother.

Trustee Roddey stated that the Board needed to move ahead with scheduling the Public Hearing regarding increasing the sewer special assessment, and that he planned to contact Accountant Vernieri in the near future.

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

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

Char	aye
Mattheus	aye
Roddey	aye
Stewart	absent