

A Regular Meeting of the Town Board of the Town of Goshen was held on the 22nd day of September, 2005 at 7:30 p.m. in the Town Hall located at 41 Webster Avenue, Village of Goshen, County of Orange, State of New York.

Present:

Honey Bernstein	Supervisor	Douglas Bloomfield	Councilman
Louis Cappella	Councilman	Kenneth Newbold	Councilman
Richard Roberts	Councilman		

Also Present: John Cappello

A. CALL TO ORDER: Supervisor Bernstein called the meeting to order with the Pledge of Allegiance.

B. AMMENDMENT TO THE AGENDA: Supervisor Bernstein added to the agenda the Orange County Municipal Planning Federation request. Will be placed as number eight under New Business.

C. PRIVILEGE OF THE FLOOR (agenda items only) No Response

D. PUBLIC HEARINGS:

1. Limited Property Tax Exemptions for Volunteer Firefighters and Ambulance Personnel

Supervisor Bernstein opened the Public Hearing at 7:30 p.m. She gave a brief description of the law coming from the State, explaining the purpose of this is to allow certain counties and its towns, villages and school districts to enact a local law, ordinance or resolution providing a ten percent tax exemption for volunteer firefighters and volunteer ambulance workers.

Robert Lawrence said this Board is shifting it's responsibility to the taxpayer. He asked if this was mandated by the State. Supervisor Bernstein replied no it is not mandated, each taxing district can decide whether or not it wants to do so. He asked if this Board was considering a paid Fire Department. Supervisor Bernstein replied no. Mr. Lawrence went on to suggest a registration system and charge everyone who moves into the area. Supervisor Bernstein said that would be prohibited by State Law. Supervisor Bernstein asked Mr. Lawrence to please keep his questions related to this Public Hearing. The Supervisor and the Attorney explained the illegality of any such tax.

George Lyons spoke saying he was here tonight to support this proposed law for tax exemption for Volunteer Firefighters and Ambulance Personnel. He said it is getting increasingly difficult to recruit new members and he felt a token such as this would help. He stated that more and more training is required now to become a member. He asked how the exemption would be determined and Supervisor Bernstein explained how it would be done. She explained that on a home assessed for \$300,000.00 the exemption would be \$2.44. The Supervisor said she would like it to be more, but at this time this is all the law will allow. Mr. Lyons thanked the Board for what they are doing here, but would suggest the Board contact the legislature requesting an increase in the amount.

Alfred Turi, Jr., a Volunteer Fireman for forty years and a past Fire Chief, said he was here tonight to represent the fire department and he stated he knows it is a small amount, but it is a start. He agreed with Mr. Lyons that recruiting was getting harder and harder and like the Volunteer Ambulance training is getting tougher. Mr. Turi felt that this incentive might help people to volunteer more. He said the County has already passed the law, the Village has a Public Hearing scheduled and he hoped the school would hold a Public Hearing as well. Mr. Turi said he hoped the Board would pass it tonight.

Supervisor Bernstein said even if it is a small amount, it is a symbolic symbol of how much this Board values the services of the Firemen and the Ambulance Core.

Peter Rollins spoke saying has been in the Fire Department for thirty one years. He said many times people are critical of the volunteer fire department and the volunteer ambulance. He said these people should come and ride with both for one day and see the good they do, the hours they sacrifice and their own money that is spent on gas, etc. to service their community. He said anyone who would like to volunteer can come register with him anytime.

Bob Lawrence said this reduction was being given to homeowner volunteers, what about volunteers who are not homeowners? Supervisor Bernstein stated the State only allow the exemption to be given to volunteers that live in the Town and are volunteer emergency personnel for at least five years who have property in our town. Mr. Lawrence suggested a line item be put in the budget and pay these people. The Supervisor stated that would be illegal.

Al Turi stated, in answer to Mr. Lawrence, the Firemen have their own Board of Fire Commissioners. They run their own taxing agency. They would be the ones to hire paid firemen and have a public referendum for the public to vote on, the Town Board cannot do it. He said right now the volunteer firemen are meeting the needs of the community and having a paid fire department would indeed be very expensive.

Supervisor Bernstein stated the taxpayers in Goshen are saving a whole lot of money because of the efforts of our volunteers.

With no further comment Councilman Cappella made a Motion to close the public hearing, the Motion was seconded by Councilman Roberts. Motion carried unanimously.

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION OF ADOPTION

**LIMITED PROEPRTY TAX EXEMPTION FOR
VOLUNTEER FIREFIGHTERS AND AMBULANCE PERSONNEL**

Introduced by: Councilman Louis Cappella
Seconded by: Councilman Richard Roberts
Date of Adoption: September 22, 2005

WHEREAS, an introductory Local Law entitled “Limited Property Tax Exemption for Volunteer Firefighters and Ambulance Personnel” be and it was hereby introduced before the Town Board of the Town of Goshen on September 8, 2005, and upon notice duly published and posted, a hearing was held on September 22, 2005 before the Town Board; and

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law;

NOW, THEREFORE, BE IT RESOLVED, that the adoption of the introductory Local Law entitled “Limited Property Tax Exemption for Volunteer Firefighters and Ambulance Personnel” is hereby determined not to have a significant effect on the environment.

BE IT FURTHER RESOLVED, that the introductory Local Law entitled “Limited Property Tax Exemption for Volunteer Firefighters and Ambulance Personnel” of the Town of Goshen be and hereby is adopted as Local Law# 11 of the Town of Goshen on September 22, 2005.

Upon Roll Call Vote:

Supervisor Honey Bernstein	AYE	Councilman Louis Cappella
Councilman Richard Roberts	AYE	Councilman Kenneth Newbold
Councilman Douglas Bloomfield	AYE	

Vote: Resolution carried by a vote of 5 to 0.

**TOWN OF GOSHEN
INTRODUCTORY LOCAL LAW
LIMITED PROPERTY TAX EXEMPTION FOR VOLUNTEER
FIREFIGHTERS AND AMBULANCE PERSONNEL**

BE IT ENACTED by the Town Board of the Town of Goshen, Orange County, State of New York, as follows:

Section I. Chapter 86 of the Code of the Town of Goshen, County of Orange, State of New York, entitled "Taxes", is hereby amended by adding thereto a new Article III, to be entitled "Property Tax Exemption for Resident, Active Duty Volunteer Firefighters and Amabulance Personnel", which Article III shall provide:

86.1 Purpose:

Volunteer firefighters and ambulance corps, personnel in the Town of Goshen provide a valuable service to members of the community. These workers absorb many costs over the years including training and cost of being certified and re-certified. This exemption will help offset those costs and also encourage more local residents to become members of these volunteer organizations since they would receive a meaningful reduction of their taxes.

86.2 Authority

This local law is enacted pursuant to the authority of §466-f of the Real Property Tax Law of New York State, which in turn was enacted by the Orange County Legislature in 2005.

86.3 Property Tax Exemption.

The property tax exemption shall equal ten (10%) percent of the assessed value of the property, to a maximum of three thousand (\$3,000.00) dollars, multiplied by the latest state equalization rate for the Town of Goshen.

86.4 Qualified Persons.

For the purpose of qualifying for this exemption, a person must be certified by the Fire Chief for the Captain of the ambulance corps. As being 1) an enrolled member of the incorporated volunteer fire company or incorporated volunteer ambulance corps in the Town of Goshen; 2)having been an active duty status for at least five (5) years; and 3) having current state certification as a volunteer firefighter, volunteer ambulance driver or emergency medical technician (EMT).

86.5 The applicant for the exemption must reside in the Town of Goshen and in the Goshen Fire /District where he or she is a volunteer firefighter, or in the Goshen Volunteer Ambulance Corps. District, in the town of Goshen where he or she is a volunteer ambulance worker.

86.6 Qualified Real Property.

A parcel of real property must satisfy the following requirements to qualify the exemption provided for herein:

- (a) The premises must be used solely as the primary residence of the qualified volunteer firefighter or volunteer ambulance corps, personnel: and
- (b) The exemption shall not apply to any part of the premises that is not in a Residential use; and
- (c) The premises must be located within the Town of Goshen Fire District or Ambulance District in the Town of Goshen where the owner is a certified firefighter or ambulance personnel.

86.7 Certification.

- A. The certification of active status of volunteer firefighters and volunteer ambulance personnel by the Fire Chief and Captain of the Ambulance Corps. Shall be filed with the Assessor of the Town of Goshen prior to February 1st each year. A copy of such certification shall also be mailed to each person on the certification list, prior to February 1st., with instructions to each to obtain an application for exemption from the Town of Goshen Assessor, and that filing of the application must be prior to March 1st of the year for which the exemption is desired, and that the exemption must be renewed annually by filing such forms with the Assessor before March 1st of each year.
- B. Any volunteer firefighter or volunteer ambulance worker whose Volunteer fire department or volunteer ambulance corps. Has initiated a service award program pursuant to Article 11AA or Article 11AAA of the General Municipal Law must have participated in at least ten (10%) percent of fire department or ambulance responses in the prior calendar year to qualify for the property tax exemption in the following calendar year.

86.8 Life Exemption:

Any enrolled member of an incorporated volunteer fire company, fire department of incorporated voluntary ambulance service within the Town of Goshen who accrues more than twenty (20) years of active service and is so certified by the authority

having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the (10%) percent exemption as authorized by Section 86.3 for the remainder of his or her life as long as his or her primary residence is located within the Town of Goshen.

Section 2. This local law shall take effect immediately upon filing with the Secretary of State of New York.

Councilman Cappella said he would just like to concur with Mr. Lyons and Mr. Turi it is a start. He said you have to get to first base to get to home plate so possibly this will start something good for everyone. He thanked the volunteers for all their good work

Councilman Roberts said he concurred with Councilman Cappella and said he was glad he was here to be a part of it.

Councilman Bloomfield said since he had a fire at his house, he is very, very grateful for the Fire Department. He said it turned out to be more smoke than fire, but when you see all those people coming to help you, "you say hey this is pretty nice". He said he visited friends once and was told they had a fire in their home to and the firemen came out and saved their home. He said it works and he wished it would be \$244.00 instead of \$2.44, however, he agreed it was a start and was sure it would grow as time goes by.

Supervisor Bernstein stated she would like to thank Al Turi for bringing this proposed law to the Board's attention.

2. Senior Citizen Tax Exemption:

Supervisor Bernstein opened the Public Hearing at 7:55 p.m.

With no response from the public, Councilman Cappella made the Motion to close the Public Hearing. The Motion was seconded by Councilman Roberts. Motion carried unanimously.

TOWN OF GOSHEN

County of Orange, State of New York

RESOLUTION

**SETTING SCHEDULE OF EXEMPTIONS
FOR TAX EXEMPTION FOR
SENIOR CITIZENS**

RESOLVED, by the Town Board of the Town of Goshen, Orange County, New York, that the following shall constitute the Schedule of Exemptions for Senior Citizen Tax Exemption pursuant to Chapter 86 of the code of the Town of Goshen.

Maximum Annual Income	Percentage Assessed Valuation Exempt From Taxation
\$24,000	50%
\$24,001 to \$24,999	45%
\$25,000 to \$25,999	40%
\$26,000 to \$26,999	35%
\$27,000 to \$28,799	25%
\$28,800 to \$29,699	20%
\$29,700 to 30,599	15%
\$30,600 to 31,499	10%
\$31,500 to \$32,399	05%

AND BE IT FURTHER RESOLVED that this Schedule shall remain in effect until superseded by further resolution of this Board following public hearing.

Dated: September 22, 2005

TOWN OF GOSHEN
County of Orange, State of New York

Resolution of Adoption

SENIOR CITIZEN TAX EXEMPTIONS

Introduced by: Councilman Kenneth Newbold
Seconded by: Councilman Douglas Bloomfield
Date of Adoption: September 22, 2005

WHEREAS, an introductory Local Law entitled “Senior Citizen Tax Exemptions” be and it was hereby introduced before the Town Board of the Town of Goshen on September 8, 2005, and upon notice duly published and posted, a hearing was held on September 22, 2005 before the Town Board; and

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law;

NOW, THEREFORE, BE IT RESOLVED, that at the adoption of the introductory local Law entitled “Senior Citizen Tax Exemptions” is hereby determined not to have a significant effect on the environment.

BE IT FURTHER RESOLVED, that the introductory Local Law entitled “Senior Citizen Tax Exemptions” of the Town Goshen be and hereby is adopted as Local Law #12 of the Town of Goshen on September 22, 2005.

Upon Roll Call Vote:

Supervisor Bernstein	AYE	Councilman Roberts	AYE
Councilman Newbold	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

Vote: Resolutions carried by a vote of 5 to 0.

**TOWN OF GOSHEN
LOCAL LAW NO 12 OF 2005
SENIOR CITIZEN TAX EXEMPTIONS**

BE IT ENACTED by the Town Board of the Town of Goshen, Orange County, New York as follows:

Section 1. Chapter 86 of the Code of the Town of Goshen, Article I entitled "Senior Citizens Tax Exemption," is hereby amended by amending §86-1 to read as follows:

§ 86-1 Grant of Exemption.

Real property in the Town of Goshen owned by one (1) or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife, one (1) of whom is sixty-five (65) years of age or over, shall be exempt from taxation by the Town of Goshen to the extent established from time to time by resolution of the Town Board following a public hearing upon compliance with the provisions of this Article for the fiscal year for which an application is filed.

Section 2. A new provision to be designated § 86-1.2 of the Code of the Town of Goshen and entitled "Percentage of Exemption" is hereby adopted to read as follow:

§86-1.2 Schedule of Exemptions.

The schedule of senior citizen tax exemptions adopted pursuant to the provisions of Real Property Tax Law and this Article shall be posted in the office of the Town Clerk and the office of the Town Assessor.

Section 3. A new provision to be designated §86-1.3 of the Code of the Town of Goshen and entitled "Tax Exemptions" is hereby adopted to read as follows:

§86-1.3 Tax Exemptions

If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum established in the schedule contained in §86-1.2. "income tax year" shall meant the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum. Such income shall includes social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset, which may be off set by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income

from self-employment, do depreciation deduction shall be allowed for the exhaustion, wear and tear of person property held for the production of income.

Section 4. this law shall take effect immediately.

3. Subdivision Regulations: Supervisor Bernstein said this is a continuation of the original Public Hearing. She stated the Board had received comments from the Orange County Planning Board and had received comments from our Planning Board, but had not had time to review them all, so the Public Hearing would remain open. The Supervisor asked for comments from the public.

Robert Lawrence asked about a problem that seems to exist on approvals when building a home on a single lot and water supply. He said right now the County is responsible for multiple lot approvals and require sub divisions to do chemical testing. He said he would like the Town Board to take this one step further. He said he believes there are a lot of single lots approvals where we have small builders who are only required to do minimum water testing. He would like it extended to chemical testing being required on every new building lot.

With no further comments, Councilman Cappella made the Motion to adjourn the Public Hearing to the October 27th meeting. The Motion was seconded by Councilman Bloomfield. Motion carried unanimously.

4. Referring Special Permit Application for Impound Yard to Appropriate Agencies and Set Public Hearing

Attorney Rick Golden joined the Board explaining the need for this special permit. He stated there is a storage yard that has been acting as an impound yard at present. However, the Building Inspector states the definition of a storage yard does not include an impound yard. He said an impound yard is not included as a use in any district, but there is a provision in Town Law that will allow the Town Board to permit this use to a particular site. Therefore, he said the Board was considering adopting such a permitted use in the AI Zone at this location. The Town Board has sent this to the Planning Board and the Planning Board replied with three recommendations which are listed in the Resolution. He said before taking action this should be referred to the Environmental Review Board, the Police Department and the Orange County Planning Department for their comments. He felt a full EAF was needed and the Board should declare itself Lead Agency and list the action as unlisted and set a Public Hearing.

Councilman Newbold made a Motion that the Board declare the Town of Goshen declare itself Lead Agency under New York State Environmental Quality Review Act and the SEQUR Action is classified as an unlisted action and be it also resolved that the above referenced Special Permit Application is considered complete, with copies of the application to be sent by the Town Board to (1) the land owners identified in the

Agricultural Data Statement, (2) the Orange County Planning Department for its GML §239-m review, (3) the Town of Goshen Environmental Review Board, and (4) the Town of Goshen Police Department and set a Public Hearing for October 27, 2005. The Motion was seconded by Councilman Roberts. Motion carried unanimously.

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION

**REFERRING SPECIAL PERMIT APPLICATION FOR
IMPOUND YARD TO APPROPRIATE AGENCIES, AND
SETTING PUBLIC HEARING**

Introduced by: Councilman Kenneth Newbold
Seconded by: Councilman Richard Roberts
Date of Resolution: September 22, 2005

WHEREAS, On August 17, 2005, the Town Board received an initial Application for Special Permit, pursuant to Town Code § 97-70(B), from Raymond Korycki to continue to operate an impound yard for vehicles impounded by Police Departments to be stored on his property, designated as Section 22, Block 1, Lot 49 of the Tax Maps of the Town of Goshen, which property is presently permitted, wit Site Plan Approval, for a service station/repair garage with a storage area, and

WHEREAS, on September 9, 2005, the applicant submitted additional materials supplementing the initial application, and

WHEREAS, on September 13, 2005, the complete application was referred to the TOWN OF GOSHEN PLANNING BOARD for its recommendation, and

WHEREAS, on September 15, 2005, the TOWN OF GOSHEN PLANNING BOARD met and recommended that a special permit be granted with the following conditions: (1) That a limit be placed on the number of vehicles, (2) That the TOWN BOARD address the potential for any environmental pollution that might result from damaged impounded vehicles leaking gasoline, oil, antifreeze, and other fluids, and provide for appropriate mitigation measures (e.g., designated and protected area of the impound yard for such vehicles), and (3) that input for this Special Permit be sought from the TOWN OF GOSHEN POLICE DEPARTMENT.

WHEREAS, in accordance with State Law and the Town Code, certain referrals of said Special Permit application must be made, and a public hearing set within 62 days of the receipt of a complete application.

NOW, THEREFORE, BE IT RESOLVED, that the TOWN OF GOSHEN hereby Assumes Lead Agency under the State Environmental Quality Review Act (“SEQRA”) and, after having assumed such Lead Agency, now

BE IT FURTHER RESOLVED, that SEQRA action is hereby classified as an “Unlisted” action, and

BE IT FURTHER RESOLVED, that the above referenced Special Permit Application is considered complete, with copies of the application to be sent by the TOWN BOARD to (1) the land owners identified in the Agricultural Data Statement, (2) the ORANGE COUNTY PLANNING DEPARTMENT for its GML § 239-m review, (3) the TOWN OF GOSHEN POLICE DEPARTMENT, and

BE IT FURTHER RESOLVED, that a public hearing for the Special Permit is hereby set for October 27, 2005.

Vote: The above Resolution carried by a vote of 5 Ayes, 0 Nays, and 0 Abstentions.

E. REPORTS:

Councilman Cappella reported he is the liaison to Highway and the Senior Commission. He reported the Highway Superintendent, Stephen Andryshak, has been recovering from heart surgery and is doing well. He also reported the Highway Road Program is going very well. He said the work scheduled for Owens Road and Smith Road have been completed. The work on Hasbrouk and Ridge Road should be done in the next week or two.

Councilman Newbold reported the Humane Society meeting did not go well and he hoped the Society would be able to work their problems out. He said the Police Department is very active and are doing a great job. He said he was very proud of the Town Board in that all had attended the Wallkill Planning Board meeting on the Tetz proposal and the Supervisor gave an exceptional speech on our opposition to the project.

Councilman Roberts said he had nothing to report at this time.

Councilman Bloomfield reported the Goshen Recreation Commission had completed their strategic plan for their future parks, etc. and are forwarding it to the Planning Board so they can secure property for future parks. Marie Rettberg, Director of the summer program did a recap at the last meeting and as he reviewed with the Town Board, the program broke even this year, first time ever. He stated Marie did an incredible job. Councilman Bloomfield reported there will be a tree planting tentatively planned for October 16th. at Craigville Park. They are planting thirty trees and are also looking at renovating the kitchen at Craigville.

Councilman Bloomfield reported that at the last work session the Board decided to send a letter to Governor Pataki asking him to remove the State gas tax for a time to relieve the tax payers while the price of gas continues to rise.

Supervisor Bernstein reported the Orange County Planning Board yesterday recommended the Town's grant application for a \$7,000.00 grant be approved and it will go to the County Executive and then to the County Legislature. She said it is not a lot of money, but it will go toward affordable housing. She also reported the Town Hall employees, under their own initiative, raised \$436.00 for the Katrina victims.

She reported the County is collecting household hazardous materials on October 15th and 16th at the Orange County Fire Training Center.

F . OLD BUSINESS

1. Resolution: Hire Gerald Griffin Jr. as Town Appraiser for "Town of Goshen adv. Minolta Advance Technology, Inc.

TOWN OF GOSHEN

RESOLUTION

TAX CERTIORARI RETAIN APPRAISER

Introduced by: Councilman Douglas Bloomfield

Seconded by: Councilman Kenneth Newbold

Dated: September 22, 2005

At a meeting of the Town Board of the Town of Goshen, County of Orange, State of New York, held at Town Hall I said Town on the 22nd day of September 2005;

WHEREAS, Minolta Advance Technology, Inc., has commenced a tax certiorari proceeding against the Town of Goshen in the Supreme Court, State of New York, County of Orange, for the 2004-05 tax year; and

WHEREAS, it appears from the recommendation of the Town Assessor and John H. Thomas, Jr., Esq. of Jacobowitz and Gubits, counsel for the Town of Goshen in the aforesaid proceedings, that preliminary appraisal information is needed and/or a full court appraisal of the above matters as fully set forth below; and

WHEREAS, Griffin Valuation & Realty Services, Ltd., has submitted fee proposal (s) for the above proceedings as set forth in the letter from Griffin Valuation & Realty Services, Ltd dated, September 8, 2005 (attached): and

NOW, BE IT THEREFORE RESOLVED, that the fee proposals as set forth and described are hereby accepted that Griffin Valuation & Realty Services, Ltd. be retained to provide the necessary appraisal opinions described above.

Upon Roll Call Vote:

Supervisor Honey Bernstein	AYE	Councilman Richard Roberts
Councilperson: Louis Cappella	AYE	Councilman: Kenneth Newbold
Councilman: Douglas Bloomfield	AYE	

Vote: Resolution carried by a vote of 5 to 0.

STATE OF NEW YORK)

.:SS.

COUNTY OF ORANGE)

I, Valma Eisma, Town Clerk of the Town of Goshen, do hereby certify that the **foregoing** is a true and exact copy of a Resolution adopted by the Town Board of the Town of Goshen at a meeting of said Board held on 22 day of September, 2005.

Valma Eisma, Town Clerk

Though not on the agenda, Supervisor Bernstein explained that the Cerullo Family, LLC has also brought a tax cert against the Town. Councilman Roberts made a Motion to appoint Jacobowitz and Gubits to represent the Town in this matter. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

The Supervisor also said another tax cert was brought against the Town by Chester LeBaron. Councilman Newbold made a Motion to appoint Griffin Valuation & Realty Services, Ltd., for the same fee proposal as above to represent the Town. The Motion was seconded by Councilman Bloomfield. Motion carried unanimously.

F. NEW BUSINESS:

1. Authorize Town to Join Orange Art Council

Councilman Bloomfield made a Motion to table joining the Arte Council until the October 11th meeting to give the Board more time to discuss it. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

2. Inter Municipal Agreement for Shared Services re: Countywide Law Records

Supervisor Bernstein explained this is an inter-municipal agreement proposed by Orange County regarding the law records management. The system has developed as the result of a 4-year collaborative effort between Orange County and all law enforcement agencies in Orange County together in a comprehensive data sharing system. This plan will allow the various police departments timely access to critical information from all agencies through one application.

The Board approves of the plan, however, the County feels there is something that needs correcting in the contract. The County needs to know how many municipalities will be interested. Supervisor Bernstein said the County has assured the Board that if they approve it, the Board can change the contract and submit it back to them.

The Motion was made to authorize the Supervisor to sign the contract subject to the attorneys redrafting a contract that is acceptable to the Board. The Motion was seconded by Councilman Newbold for discussion. Councilman Newbold said he had spoken to the Police Chief and the Chief supports the plan 100% as it will aid all departments and can save lives. He said he is in support of the plan. There was a discussion on the cost and how it would be implemented. Motion carried unanimously.

3. Resolution: Awarding Probe Bid to Quest

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION
ACCEPTING BID FOR SALESIAN PROBES

Introduced by: Councilman Louis Cappella
Seconded by: Councilman Richard Roberts
Date of Adoption: September 22, 2005

WHEREAS, the Town has received bids for asbestos investigations including probe penetrations for the Salesian school building; and

WHEREAS, these bids were obtained in compliance with the Town's procurement policy and reviewed by the Town's engineering consultant; and

WHEREAS, the Town has determined that the lowest responsible bid for the work which would include a complete asbestos investigation of the entire building and components, actual probe penetrations and appropriate removal of any asbestos found; and

WHEREAS, based upon the bidding, the Town has determined that it is in the best interest of the Town to complete the investigation of the entire building at this time rather than conduct a limited asbestos investigation.

NOW, THEREFORE, BE IT RESOLVED:

That the Town of Goshen Town Board authorizes the Supervisor to execute a contract with Quest to conduct a complete asbestos investigation of the entire Salesian school building and components and conduct the actual probe penetrations set forth in the bidding documents at a cost not to exceed \$16,000.00, if no asbestos is found and not to exceed \$33,000.00, if asbestos is found and needs to be mitigated.

BE IT FURTHER RESOLVED:

That said approval is conditioned upon the approval and acceptance of this bid by the Village of Goshen pursuant to the terms of the mutual agreements between the Town and Village to undertake and fund the Salesian Community Park Project as joint effort.

Upon Roll Call Vote:

Supervisor Bernstein	AYE	Councilman Newbold	AYE
Councilman Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

Vote: Resolution carried by a vote of 5 to 0.

4. Bond Resolution: Salesian Park, Phase I

BOND RESOLUTION OF THE TOWN OF GOSHEN, ADOPTED SEPTEMBER 22, 2005, AUTHORIZING THE ORIGINAL IMPROVEMENT AND EMBELLISHMENT OF PHASE 1 OF THE SALESIAN PARK AND RECREATION AREA, STATING THAT THE ESTIMATED MAXIMUM COST THEREOF IS \$400,000.00 APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$400,000.00 SERIAL BONDS TO FINANCE SAID APPROPRIATION.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including the filing of a negative declaration and compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;

NOW THEREFORE,

BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF GOSHEN IN THE COUNTY OF ORANGE, NEW YORK, (by the favorable vote of not less than two-thirds of all the members of said Board) **AS FOLLOW:**

Section 1. The Town is hereby authorized to purchase and construct the improvements and elements of Phase I of the approved Master Plan for the Salesian Park, including, but not limited to, fencing, sidewalks, driveways, parking area, landscaping, fountains, water, sewer and electric utility services, grading and drainage improvements, waterfalls and pools, signage, pavilions, porte cochere, stone walled gardens, repairs of wooden lookout tower, wooden fishing dock/boardwalk, bird blind, canoe launch pump house upgrades and water filtration equipment. The estimated maximum cost of said class of objects or purposes, including preliminary costs, cost of maps, plans, surveys, estimates, advertisements, legal documents and costs incidental hereto and financing thereof, is \$400,000.00 and the said amount is hereby appropriated therefore. The plan of financing is the issuance of \$400,000.00 serial bonds to finance said appropriation and the levy of a tax on all the taxable real property within the Town to pay the principal of said bonds and interest thereon as the same shall become due and payable.

Section 2. Serial bonds in the principal amount of \$400,000.00 are hereby authorized to be issued pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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

a) The period of probable usefulness applicable to the purpose for which said serial bonds herein authorized are to be issued, within the limitations of Section 11.00a11.00(19) of the Law, is twenty (20) years.

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

c) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. 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.

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Sec 21.00 relative to the authorization of the issuance of Bonds with substantially level or declining annual debt service, and Sec.30.00 relative to the authorization of the issuance of bond anticipation notes and of Sec.50.00 and Sec. 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents 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 relative to providing for substantially level or declining annual debt service, are hereby delegated to the Town Supervisor, the chief Fiscal officer to the Town.

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

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

(b) The provisions of the 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 resolution is subject to permissive referendum.

Section 8. The object or purpose described in Section 1 hereof has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Act, with respect to which said Town Board has made a Negative Declaration, dated March 10, 2005.

Councilperson Kenneth Newbold offered the following resolution and moved its adoption:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF GOSHEN IN THE COUNTY OF ORANGE, NEW YORK, AS FOLLOWS:

Section 1. The Town clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in **THE INDEPENDENT REPUBLICAN, A NEWSPAPER PUBLISHED IN** Goshen, New York, the official newspaper of said Town and having a general circulation therein, together with Notice attached in substantially The form as prescribed by Sec. 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

* * * * *

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

AYES: [5] NOES: [0]

This resolution was declared unanimously adopted.

5. Authorizing Budget Transfer

**TOWN OF GOSHEN
County of Orange, State of New York
RESOLUTION
AUTHORIZING BUDGET TRANSFER**

Introduced by: Councilman Kenneth Newbold
Seconded by: Councilman Richard Roberts
Date of Adoption: September 22, 2005

WHEREAS, a budget transfer is necessary to fund the replacement of the police station entrance door; and

WHEREAS, although this expenditure was not planned or budgeted, the existing door and frame is rotted and the door does not lock properly: and

WHEREAS, certain funds are available from Equipment Maintenance account B3120-418 in the amount of \$1,672.26 and Police Testing account B3120-478 in the amount of \$187.74. The total amount of \$1,860.00 is requested to be transferred to the Building Maintenance account B3120-434.

NOW, THEREFORE, BE IT RESOLVED:

That the Town of Goshen Town Board authorizes the transfer of funds from the Equipment Maintenance account B3120-418 in the amount of \$1,672.26 and Police Testing account B3120-278 in the amount of \$187.74. The total amount of \$1,860.00 is to be transferred to the Building Maintenance account B3120-434 in order to replace the entrance door to the Town of Goshen Police Station.

Upon Roll Call Vote:

Supervisor Bernstein	AYE	Councilman Newbold	AYE
Councilman Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

Vote: Resolution carried by a vote of 4to 1.

Councilman Bloomfield expressed concern for departments to budget what they need at budget time and stay within that budget. He said he felt that the department heads need to really look carefully and prioritize their needs so that the line items can be put in and spend the money appropriately. He stated if this is excess money, it should not be spent, it should be given back.

Supervisor Bernstein said budgets cannot always be written in stone, as there are many unforeseen expenses that crop up. In this case it was lucky the money was available to repair the door.

There was a brief discussion among the Board as to the flexibility a budget should have.

6. Resolution: Accepting bid for Architectural Professional Services

**TOWN OF GOSHEN
County of Orange, State of New York**

**RESOLUTION
ACCEPTING BID FOR
ARCHITECTURAL PROFESSIONAL SERVICES**

Introduced by: Councilman Kenneth Newbold
Seconded by: Councilman Richard Roberts
Date of Adoption: September 22, 2005

WHEREAS, the Town has solicited offers for Architectural Professional Services for activities associated with the redesign of the Oval Room or the Octagonal Room of the Salesian Mansion; and

WHEREAS, in order to appropriately design for this redevelopment and make future determinations regarding the scope of activity, it will be necessary to prepare architectural drawings including “blow-up” of measured field sketches; “key-in: details with regard to the sketches; and organize and label photographs so there is a cross reference between the images and sketches; and

NOW, THEREFORE, BE IT RESOLVED:

That the Town of Goshen Town Board authorizes the Supervisor to retain the services of Kenneth Hewes Barricklo, Architect, P.C. to prepare the above referenced architectural drawings related to the Salesian Oval Room or Octagonal Room at a cost not to exceed \$1,400.00.

BE IT FURTHER RESOLVED:

That said approval is conditioned upon the approval and acceptance of this bid by the Village of Goshen pursuant to the terms of the mutual agreements between the Town and Village to undertake and fund the Salesian Community Park Project as a joint effort.

Upon Roll Call Vote:

Supervisor Bernstein	AYE	Councilman Newbold	AYE
Councilman Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

Vote: Resolution carried by a vote of 5 to 0.

Supervisor Bernstein explained the cost will be shared by the Village.

7. Orange County Municipal Planning Federation

Supervisor Bernstein explained the Orange County Municipal Planning Federation has requested certain modifications to their Constitution and By-Laws and have scheduled a vote for Thursday, September 29th. She said the Board had received a copy of the modifications and would like to know if they have any objections to the changes. The Board not having any objections, Councilman Roberts made the Motion to authorize the Supervisor to approve the new By-Laws of the Orange County Municipal Planning Federation. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

H. Finance:

Councilman Newbold made a Motion to authorize the Supervisor to pay Voucher #2005-2237 to Voucher #2005-2281 amounting to \$367,488.27. The Motion was seconded by Councilman Bloomfield. Motion carried unanimously.

I. Privilege of the Floor:

Jerry Boss spoke saying he was troubled by the Police radio system, he asked what level of government proposed it. Supervisor Bernstein replied the County. He asked what other agencies would be connected. It was established that the State Police and FBI would not be connected, it would be strictly an Orange County system. Mr. Boss asked if there was any evaluation done on an up and running system, and what the cost of installation and maintenance of the system would be and who would pay.

Supervisor Bernstein replied the Board had not evaluated the system, the County did. She said there is a cost to the County and the municipality, our cost being approximately \$8,700.

Mr. Boss also asked about the impoundment request. He stated he understood the owner was in litigation with the Town. Attorney Golden explained that the litigation was over the junkyard permit the owner owns and some violations the Town had placed on that business. The Attorney explained the impoundment facility is not connected to the junkyard, but across the street and is zoned for a garage and parking area. Attorney Golden said this is a completely separate operation and has been used in the past by our Police Department before it was discovered it was not a permitted use. Because the need is there the owner is going through the he process to ask for the special use, which the Town Board can permit.

Nick Patraglia asked about phase I of Salesian Park. He said he thought there was money available in parkland fees, so why was there a need for a \$40,000.00 bond issue? Supervisor Bernstein replied explaining the parkland fees will be coming as the building takes place. However, Salesian has to be developed. Therefore the Town will borrow the money and use the parkland fees to pay back the debt.

Bob Lawrence asked who owns the Salesian property. Supervisor Bernstein replied the Town holds the deed to the property. Attorney Cappello explained the purchase and the agreement with the Village to develop Salesian. He stated all expenses are shared between the Village and the Town. There was a lengthy discussion on the process used by the Town and Village to purchase the property.

With no further comment from the public, Councilman Cappella made a Motion to adjourn the meeting and go to Executive Session to discuss personnel and pending litigation.

Time: 10:15 p.m.

Valma Eisma, Town Clerk