

A Regular Meeting of the Town Board of the Town of Goshen was held on the 8th 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:

Louis Cappella	Deputy Supervisor	Kenneth Newbold	Councilman
Richard Roberts	Councilman	Douglas Bloomfield	Councilman

Absent: Honey Bernstein, Supervisor

Also Present: John Cappello, Town Attorney

A. Call to Order: Deputy Supervisor Louis Cappella called the meeting to order with the Pledge of Allegiance.

B. Amendment to the Agenda

Attorney Cappello said he would request an Executive Session, with intent to return, to discuss pending litigation.

Deputy Supervisor stated he also has a possible interview with a candidate for Substitute Dog Control Officer.

Both will be done later in Executive Session with intent to return.

C. Privilege of the Floor (agenda items only) No response

D. Public Hearing: Subdivision Regulations

Deputy Supervisor Cappella opened the Public Hearing at 7:45 p.m. There was no response from the public. Attorney Cappello stated that we have received comments from Orange County Planning Department, but our Planning Board would like to review it and will do so at their next meeting. That will allow the Town Board to discuss their comments at the September 22nd meeting. Councilman Newbold made a Motion to keep the Public Hearing open until September 22nd meeting. The Motion was seconded by Councilman Bloomfield. Motion carried 4 to 0.

E. Old Business:

1. Military Personnel Extension for Payment of Real Property Taxes

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

**RESOLUTION
NYS REAL PROPERTY TAX LAW 925-d
REAL PROPERTY TAX PAYMENT EXTENSIONS**

Introduced by: Councilman Kenneth Newbold
Seconded by: Councilman Douglas Bloomfield
Date of Adoption: August 8, 2005

WHEREAS, the individuals who are members of the military make a tremendous sacrifice, especially in times like these when our military personnel are in many locations throughout the world and here in New York fighting against terrorism; and

WHEREAS, this sacrifice is just as real for the men and women who comprise our reserve armed forces and state organized militia called to active duty who must put the rest of their lives on hold to accommodate that service, and

WHEREAS, Article 9 of the New York State Real Property Tax Law authorizes the Town Board to ease some of the burdens that these brave men and women encounter, to allow them to focus their full energy on defending our country.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Notwithstanding any other provision of law which relates to the collection of real property tax owed to the Town of Goshen, or to the imposition of penalties or interest therefore for a late payment owed by a person who has been deployed by the military or by the spouse or domestic partner of such person for real property of a person so deployed, any deadline with respect to the payment of such real property tax shall be extended for a period of ninety (90) days after the end of such deployment.
2. For purposes of this section a "person deployed by the military" shall mean a person who has been ordered to active military duty, other than training, for a period beginning with a declaration of war by Congress and ending with a date prescribed by Presidential proclamation or concurrent resolution of Congress or during any periods of combat designated by presidential executive order or hazardous duty.

3. Any payment on behalf of such deployed person, spouse or domestic partner from a real property tax escrow account shall likewise be so extended consistent with the provisions of this resolution.

On a vote of 4 to 0, the Deputy Supervisor declared the resolution adopted.

2. Increase Senior Citizen Real Property Tax Exemptions

Attorney Cappella explained the Town has a Local Law presently on our books, but the law will now have to be amended and a date for a Public Hearing set. Councilman Newbold made a Motion to set the Public Hearing for the Senior Citizen Tax Exemptions for September 22, 2005 at 7:30 p.m.. The Motion was seconded by Councilman Bloomfield.

TOWN OF GOSHEN County of Orange, State of New York

RESOLUTION OF INTRODUCTION SENIOR CITIZEN TAX EXEMPTIONS

Introduced by: Councilman Kenneth Newbold
Seconded by: Councilman Douglas Bloomfield
Date of Introduction: September 8, 2005

WHEREAS, an Introductory Local Law entitled “Senior Citizen Tax Exemptions Local Law was introduced before the Town Board of the Town of Goshen in the County of Orange and State of New York on September 8, 2005; and

NOW, THEREFORE, BE IT RESOLVED, that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED, that the Board hold a public hearing on said proposed local law at the Goshen Town Hall, Webster Avenue, Goshen, New York, at 7:30 o’clock P.M. on September 22, 2005, and

BE IT FURTHER RESOLVED, that the Clerk publish or cause to be published a public notice in the official newspaper of the Town of Goshen of said public hearing at least ten (10) days prior thereto.

Vote: Resolution carried by a vote of 4 to 0

3. Volunteer Firefighters & GOVAC Tax Exceptions on Local Level

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

RESOLUTION OF INTRODUCTION

**LIMITED PROPERTY TAX EXEMPTION FOR VOLUNTEER
FIREFIGHTERS AND AMBULANCE PERSONNEL LOCAL LAW**

Introduced by: Councilman Richard Roberts
Seconded by: Councilman Douglas Bloomfield
Date of Introduction: September 8, 2005

WHEREAS, an introductory Local Law entitled “Limited Property Tax Exemption for Volunteer firefighters and Ambulance Personnel Local Law” was introduced before the Town Board of the Town of Goshen in the County of orange and State of New York on September 8, 2005;
And

NOW, THEREFORE, BE IT RESOLVED, that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board,
And

BE IT FURTHER RESOLVED, that the Board hold a public hearing on said proposed local law at the Goshen Town Hall, Webster Avenue, Goshen, New York, at 7:30 o’clock P.M. on September 22, 2005, and

BE IT FURTHER RESOLVED, that the clerk publish or cause to be published a public notice in the official newspaper of the Town of Goshen of said public hearing at least ten (10) days prior thereto.

Vote: Resolution carried by a vote of 4 Ayes 0 Nays

**4. Set Public Hearing for 35 MPH Speed Limit on Following Roads:
Houston, Conklintown, Arcadia**

Deputy Supervisor Cappella explained this came about as a result of lowering the speed limit on other Town roads and after discussing it with the Highway and Police Departments, it was decided it would be good to have the speed limit uniform throughout the Town. Deputy Supervisor Cappella stated these are the last four roads.

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

**RESOLUTION
RECOMMENDING REDUCTION OF SPEED LIMIT
FROM 40 TO 35 MILES PER HOUR ON HOUSTON ROAD, ARCADIA
ROAD, RESERVOIR ROAD AND CONKLINTOWN ROAD**

Introduced by: Councilman Richard Roberts
Seconded by: Councilman Douglas Bloomfield
Date of Adoption: September 08, 2005

WHEREAS, the Town Board has been provided evidence and testimony of unsafe conditions on Houston Road, Arcadia Road, Reservoir Road, and Conklintown Road, from 40 to 35 miles per hour.

NOW, THEREFORE, BE IT RESOLVED:

That the Town Board supports the reduction of the speed limit on Houston Road, Arcadia Road, Reservoir Road, and Conklintown Road, from 40 to 35 miles per hour, and authorizes the Supervisor or her designee to prepare a letter to the County Department of Public works formally requesting such reduction of speed.

On a vote of 4 to 0, the Deputy Supervisor declared the resolution adopted.

F. NEW BUSINESS:

- 1. Schedule Hearing RE: Condemnation – Authorize Notice & Schedule Public Hearing**

**TOWN OF GOSHEN
41 WEBSTER AVENUE
GOSHEN, NEW YORK 10924**

UNSAFE BUILDING DETERMINATION AND ORDER

William Landa

**Garage/Barn @ 332 Reservoir Road
SECTION 18 BLOCK 1 LOT 43.2**

Motion made by Councilperson Roberts, seconded by Councilperson Newbold and on a vote of 4 ayes and 0 nays, the following Resolution was adopted.

RESOLVED that the following findings be made:

1. The Town of Goshen Building Inspector has observed the above premises (hereinafter “the premises” or “Landa premises”) and rendered a report dated August 23, 2005
2. The report of the Town of Goshen Building Inspector sets forth the conditions found to exist at the premises which in the opinion of the Town of Goshen Building Inspector render said premises unsafe.
3. The report of the Town of Goshen Building Inspector recommends that the Town Board declare the collapsing barn on the Landa premises to be an unsafe building, and further recommends that the barn be repaired or demolished and removed, fallen structures removed, and erosion control measure undertaken.
4. The Engineers for the Town of Goshen also inspected the Landa premises and issued a report dated July 20, 2005, recommending that the barn must be repaired or removed. In summary, the roof, side wall land floor have collapsed, glass is missing from most windows and the walls are out of plumb.

RESOLVED that the following determination be made:

1. That the condition of the Landa premises is unchanged since the Building Inspector’s inspection and that said barn hereby be declared an unsafe building in accordance with Chapter 51 of the Code of the Town of Goshen entitled “Unsafe Buildings”.

RESOLVED that the following orders be made:

1. The owner of the Landa premises, William Landa, shall apply for a building Permit to repair the said structure, or to remove same, within three (3) days of the close of the hearing scheduled by this order, and shall commence work pursuant to such permit within three (3) days of the issuance of such of such building permit, and the said barn situated at the Landa Premises shall be repaired by October 15, 2005 or demolished and removed; other structures removed; the site cleaned; and the property made level and safe, including erosion control.
2. That all such work commence on or before September 25, 2005 and be completed on or before October 15, 2005.
3. That a hearing be held in accordance with Chapter 51 of the Code of the Town of Goshen on September 19, 2005 at 7:45 p.m. and that all interested parties entitled to receive notice be notified in accordance with the requirements of said Chapter so that all may be heard as to whether this order should be affirmed, modified, or vacated.
4. Section 51-8 of the Town of Goshen Code provides that the owner of a structure that has been declared an unsafe building shall be subject to a lien for the costs and expenses incurred by the Town of Goshen in connection with proceedings to remove or secure a building or structure, including the cost of removal of such structure if the owner fails to comply with the order to do so.

Dated: September 8, 2005

3. Appoint Jacobowitz & Gubits on Various Tax Cert Litigation

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

RESOLUTION

2005-2006 TAX

CERTIORARI PROCEEDINGS

Introduced by: Councilman Richard Roberts
Seconded by: Councilman Kenneth Newbold
Date of Adoption: September 8, 2005

BE IT RESOLVED,

That the Town of Goshen Town Board hereby appoints Jacobowit and Gubbits, LLP, to represent the Town in various tax certiorari proceedings commenced against the Town to contest the 2005-2006 tax roll.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 4 to 0.

4. Award Salesian Fencing Bid to Ohana Metal & Iron Works

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

**RESOLUTION ACCEPTING
BID FOR METAL FENCING
INSTALLATION AT SALESIAN**

Introduction by: Councilman Kenneth Newbold
Seconded by: Councilman Richard Roberts
Date of Adoption: September 8, 2005

WHEREAS, the Town of Goshen has solicited bids for fencing at Salesian; and

WHEREAS, the Town Board authorizes the Town To purchase and installation of fencing for Salesian Park as described in the bid proposal from OHANA Metal and Iron Works, Inc., a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED, that the town Board of the Town of Goshen authorizes the purchase and installation of fencing for Salesian Park as described in the bid proposal from OHANA Metal and Iron Works, Inc. dated September 6, 2005, in an amount not to exceed fifty percent of the contract price of \$124,828.00, with other fifty percent due and owing by the Village of Goshen.

BE IT FURTHER RESOLVED, that the Supervisor be authorized to execute the contract subject to the Village of Goshen authorizing the Mayor to execute the contract on behalf of the Village of Goshen.

Upon Roll Call Vote:

Supervisor Bernstein	Absent	Deputy Supervisor Cappella	AYE
Councilman Roberts	AYE	Councilman Bloomfield	AYE
Councilman Cappella	AYE		

Vote: Resolution carried by a vote of 4 to 0.

5. Appoint Susan Maysels to Joint Recreation: Term to end 9/2008

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

RESOLUTION

**AUTHORIZING APPOINTMENT OF
SUSAN MAYSELS TO THE
JOINT RECREATION COMMITTEE**

Introduced by: Councilman Douglas Bloomfield

Seconded by: Councilman Richard Roberts

Date of Adoption: September 8, 2005

WHEREAS, the Town wishes to appoint Susan Maysels to the Joint Recreation Committee to serve a term ending September 2008.

NOW, THEREFORE, BE IT RESOLVED

That the Town Board approves the appointment of Susan Maysels to the Joint Recreation Committee to serve a term ending September 2008.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 4 to 0.

6. Building Inspector Workshops: Authorize Building Inspector to Attend Advanced Course in Planning & Land Use

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

**RESOLUTION
AUTHORIZING BUILDING INSPECTOR TO ATTEND SEMINAR**

Introduced by: Councilman Richard Roberts
Seconded by: Councilman Kenneth Newbold
Date of Adoption: September 8, 2005

WHEREAS, the Building Inspector, Neal Halloran, has requested authorization to attend an Advance Course in Planning and Land Use; and

WHEREAS, the Town Board has determined that it is in the best interest to authorize said attendance at said seminar as set forth and discussed on the attached.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Building Inspector, Neal Halloran, to attend the seminar on Advanced Course in Planning and Land Use to be held in five sessions from 7:00 p.m. to 9:30 p.m. on October 17, 2005; October 24, 2005; November 7, 2005; November 14, 2005; and November 21, 2005 at the BOCES building on Gibson Road in Goshen, New York at a cost not to exceed \$50.00 as set forth in the attached request.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 4 to 0.

7. Approve Middletown Humane Society as Alternate Shelter

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

**RESOLUTION
AUTHORIZING MIDDLETOWN HUMANE SOCIETY
AS ALTERNATE SHELTER**

Introduced by: Councilman Kenneth Newbold
Seconded by: Councilman Douglas Bloomfield
Date of Adoption: September 8, 2005

WHEREAS, the Goshen Humane Society has requested the Town of Goshen to authorize the Middletown Humane Society as an alternative shelter for the Town.

NOW, THEREFORE, BE IT RESOLVED:

That the Town of Goshen hereby authorizes the Middletown Humane Society to be an alternate shelter for dogs from the Town of Goshen pursuant to an approved contract.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 4 to 0.

F. Finance : Councilman Bloomfield made a Motion to authorize the Supervisor to pay Voucher #2005-2092 to Voucher # 2005-2236 amounting to \$150,115.69. The Motion was seconded by Councilman Newbold. Motion carried unanimously.

G. Privilege of the Floor:

Leslie Cosgrove asked for clarification on the Senior Citizen Tax Exemptions, if the law would be really put into practice?. Attorney Cappello explained the Public Hearing would be held September 22nd at 7:30 p.m. Councilman Newbold suggested she pick up a copy of the proposed law from the Clerk after the meeting.

Deputy Supervisor Cappella stated he would like a letter to be sent to Governor Pataki, from this Town Board, asking him to relieve the State gasoline taxes for a time to relieve some of the pain that New York residents are feeling. He said

Georgia and Virginia have done this and perhaps other states will follow. He stated this is a big burden and a big hit on our taxpayers, most will pay \$1,000.00 to 2,500.00 this next year for gas and oil as the price for heating their homes is going to be very costly also. Deputy Supervisor Cappella said he felt that if other towns and villages would do the same it might have some impact on the Governor. He said the Town Board has been working hard on their own budget this year with the taxpayers in mind.

Councilman Newbold said he felt the letter should go to the County asking them to take a stand and write a letter to the State. The Board agreed to write a letter to the County as well as the State.

Councilman Newbold said he would like to ask everyone to take a moment to remember the victims of 9/11 on Sunday and reported some memorials that will be held.

Councilman Newbold made a Motion to go into Executive Session to discuss pending litigation, with intent to return.

Time: 8:25 p.m.

Deputy Supervisor Cappella reopened the meeting at 8:50 p.m.

Councilman Newbold made a motion to accept the following resolution as written:

The Town Board resolved to schedule a Public Hearing on October 11, 2005 at 7:30 p.m. to determine the need and location of its proposed drainage maintenance and repair improvement project along Reservoir Road and whether the project will benefit the public, prior to any acquisition of the real property required for the project.

The Motion was seconded by Councilman Roberts. Motion carried 4 to 0.

Deputy Supervisor Cappella made a Motion to appoint Barbara Allen as Substitute Dog Warden. The Motion was seconded by Councilman Roberts. Motion carried 4 to 0.

H. Adjournment:

Councilman Bloomfield made a Motion to adjourn the meeting at 9:45 p.m. Motion was seconded by Councilman Roberts. Motion carried 4 to 0.

Valma Eisma, Town Clerk

