

A Regular Meeting of the Town Board of the Town of Goshen was held on October 27, 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
Richard Roberts	Councilman	Louis Cappella	Councilman
Kenneth Newbold	Councilman		

Also Present: Attorneys Howard Protter and Rick Golden; Ron Gainor, Town Engineer; Dennis Marsh, Town of Goshen Police Chief.

A. ALL TO ORDER: Supervisor Bernstein called the meeting to order and Attorney Rick Golden led the Pledge of Allegiance.

B. AMMENDMENT TO AGENDA: None

C. PUBLIC HEARINGS:

1. SPECIAL PERMIT – IMPOUND YARD

Supervisor Bernstein asked Attorney Rick Golden to join the Board as he is acting as special counsel to the Board in this matter. The Supervisor explained someone was operating an impound yard and it came to the attention of the landowner, as well as the Town Board that it is an illegal use. Therefore, the landowner, is now applying for a special use permit to correct the problem.

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

**APPROVAL OF SPECIAL PERMIT USE
FOR IMPOUND YARD**

Introduced by: Councilman Kenneth Newbold
Seconded by: Councilman Louis Cappella
Date of Resolution: October 27, 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, with 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, and

WHEREAS, the Town Board previously, and in accordance with State Law and the Town Code, made all of the required referrals of said Special Permit application, received a "Local Determination" response from the County's G.M. L. s 239-m Report, and conducted a public hearing on October 27, 2005,

NOW, THEREFORE, BE IT RESOLVED, that the TOWN OF GOSHEN as and for its determination of significance under the State Environmental Quality Review Act ("SEQRA") makes a Negative Declaration, and

BE IT FURTHER RESOLVED, that the above referenced property is hereby granted a Special Use Permit, subject to site plan review and approval by the Town Planning Board, permitting the use of an Impound Yard, conditioned upon the following:

1. the impounding of vehicles shall be limited to such vehicles as may be impounded by the New York State Police or any municipal police department within the State of New York, pursuant to N.Y.S. Vehicle & Traffic Law §424.
2. The storage of impounded vehicles shall be limited to 13,000 s.f. of space in the fenced area behind the repair shop on the property, less whatever square footage is occupied by any other use in that area for the storage of repair vehicles or otherwise. If the Planning Board so desires it may more specifically designate the specific location for impounded vehicles within such fenced area in their site plan review. However, under no circumstances may vehicles be permitted to be stacked one upon the other. The Planning Board in their site plan review shall also require any appropriate fencing and landscaping necessary to reasonably screen the Impound Yard from the neighboring properties.
3. That an area within the designated impound area shall be set aside to accommodate the storage of any impounded vehicle that is leaking any fluids (including, but not limited to, gasoline, oil, antifreeze, and other deleterious

fluids), and all such leaking vehicles must be stored in such set aside area of the Impound Yard. The establishment and maintenance of such set aside area shall be in conformance with all federal, State and local laws and regulations, and as otherwise approved by the Town Engineer, and

BE IT FURTHER RESOLVED, that notwithstanding all of the above, and owing to the important public benefit of the availability of an Impound Yard within the Town for the use and benefit of the Town Police, this grant of a Special Use Permit may be exercised immediately, with the proviso that the above noted Planning Board review and approval must be obtained within two months of the date of this Resolution. If such Planning Board approval is not obtained within the said two months, then this Special Permit shall lapse without the need for any further action by the Town.

Supervisor Bernstein asked if there were any comments from the public. Attorney Allen Lipman, Attorney for the applicant stated he had no objection to the Resolution with the exception of the two month time span. He said he would respectfully request a longer time span or to move as quickly as possible. He felt a three or four month time span would be better. Supervisor Bernstein stated the project has already been scheduled for the November 3rd meeting of the Planning Board. She said it may at first seem like too short a time, but if any delay is the fault of the Town or the Planning Board the applicant can come and ask for an extension of time. Attorney Lipman said there is no real reason to make us come back here in two months, it is wasteful and counter productive. Attorney Golden said with the quick placement of this request on the Planning Board agenda and the Planning Board will know about the two months involved, he saw no problem with the applicant gaining approval. He said there are four Planning Board meetings in this span of time. He said two months should be sufficient.

Reynold Andrews asked if a fee schedule had been set for these impounds. Supervisor Bernstein referred the question to Chief of Police Dennis Marsh. He replied there is no fee to the Town, the fee would be paid by the vehicle owner.

Councilman Bloomfield said why not meet the applicant half way and say three months.

Attorney Lipman said he felt there was no need for the pressure of the time period since his clients were not going anywhere and were cooperating with everything. Supervisor Bernstein stated for the information of the public, when this petition came to life it was brought to the attention of the Planning Board and all their comments are incorporated into this Resolution.

Supervisor Bernstein called for a vote:

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

Councilman Newbold made a Motion to accept the Negative Declaration under SEQRA for the Special Use Permit. Councilman Cappella seconded the Motion. Motion carried unanimously.

NOW, THEREFORE, BE IT RESOLVED, that the TOWN OF GOSHEN as and for its determination of significance under the State Environmental Quality Review Act (“SEQRA”) makes a Negative Declaration, and

BE IT FURTHER RESOLVED, that the above referenced property is hereby granted a Special Use Permit, subject to site plan review and approval by the Town Planning Board, permitting the use of an Impound Yard, conditioned upon the following:

1. The impounding of vehicles shall be limited to such vehicles as may be impounded by the New York State Police or any municipal police department within the State of New York, pursuant to N.Y.S. Vehicle & Traffic Law § 424.
2. The storage of impounded vehicles shall be limited to 13,000 s.f. of space in the fenced area behind the repair shop on the property, less whatever square footage is occupied by any other use in that area for the storage of repair vehicles or otherwise. If the Planning Board so desires it may more specifically designate the specific location for impounded vehicles within such fenced area in their site plan review. However, under no circumstances may vehicles be permitted to be stacked one upon the other. The Planning Board in their site plan review shall also require any appropriate fencing and landscaping necessary to reasonably screen the Impound Yard from the neighboring properties.
3. That an area within the designated impound area shall be set aside to accommodate the storage of any impounded vehicle that is leaking any fluids (including, but not limited to, gasoline, oil, antifreeze, and other deleterious fluids), and all such leaking vehicles must be stored in such set aside area of the Impound Yard. The establishment and maintenance of such set aside area shall be in conformance with all federal, State and local laws and regulations, and as otherwise approved by the Town Engineer, and

BE IT FURTHER RESOLVED, that notwithstanding all of the above, and owing to the important public benefit of the availability of an Impound Yard within the Town for the use and benefit of the Town Police, this grant of a Special Use Permit may be exercised immediately, with the proviso that the above noted Planning Board review and approval must be obtained within two months of the date of this Resolution. If such Planning Board approval is not obtained within the said two months, then this Special Permit shall lapse without the need for any further action by the Town.

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

Supervisor Bernstein addressed the applicant saying she was sorry for the inconveniences involved, but when it came to the Town’s attention, when any violation

comes to the Board's attention, the Board has an obligation to enforce our own law. When it came to the Board's attention you were operating all those year, unbeknown to you, illegally, the Board had no choice but to pursue the right remedy. She said you cooperated with us and now no future Board will ever be able to site you for a violation and no one will be able to say you are in violation of the law.

Councilman Newbold made a Motion to close the Public Hearing. The Motion was seconded by Councilman Bloomfield. Motion carried 5 to 0.

2. PROPOSED ACQUISITION OF REAL PROPERTY FOR PUBLIC PURPOSES.

Supervisor Bernstein opened the Public Hearing by reading the Notice of Public Hearing that has been published in the Newspapers.

NOTICE OF PUBLIC HEARING TOWN OF GOSHEN PROPOSED ACQUISITION OF REAL PROPERTY FOR PUBLIC PURPOSES

NOTICE is hereby given that the Town Board of the Town of Goshen will hold a public hearing in order to inform the public and to review the public use, purpose and impact of the acquisition of a portion of property now or formerly owned by Bosiljka and Olivia Serdarevic. The acquisition is proposed as part of the Town's public project for drainage maintenance and repair along Reservoir Road. The property proposed for acquisition is located along Reservoir Road abutting the property identified as Town of Goshen Tax May Nose. P/O 15-1-4.1 & 15-1-72.

The hearing will be held on October 27, 2005 at 7:30 p.m. at the Town Hall, 41 Webster Avenue, Goshen, New York.

All persons interested shall be given an opportunity to present oral and written statements and to submit other documents concerning this proposed public project and acquisition.

Supervisor Bernstein explained that the Town took lead agency at the July 27th meeting, a Public Hearing was held on October 11th and now on the 27th of October. The Supervisor read into the record the dates of the affidavit of publication, the notice was published five consecutive days in the Times Herald Record and in the Independent Republican. She showed the public the green receipts from the mailing to surrounding home owners that were sent certified. Supervisor Bernstein stated there is a transcript of the October 11 meeting and it will be come part of the record. She said the Board has a letter from the Village which stated no objection whatsoever to the Town's proposal.

Supervisor Bernstein reported she had pictures, taken on October 12th by the Building Inspector which show the condition of the road that day. She also stated she had an

accident report of an accident that occurred on the 12th of October. She said there are two options the Board would be presenting this evening. The options are part of a plan, prepared by the Town after several meetings with the Town engineers and the consultants of the adjacent property owner.

Option I: Regards land totally within the area which we seek to take by Eminent Domain.

Option II: Includes that easement area, but also would require the land owner to build berms on her land, outside the proposed easement area which would be installed, maintained and owned by the land owner with the right of the Town to maintain them if the land owner does not.

The Supervisor turned the meeting over to the Town Engineer, Ron Gainer. Mr. Gainer provided a map to show the public the work to be done. He explained the topography of Reservoir Road generally pitches from the south to the north to a low spot in the front of the Serdarevic home. He said there are presently three crossing pipes under Reservoir Road that are intended to be replaced. The overall project details just a basic drainage maintenance along the highway. He said what the Town has been interested in doing is addressing an historical drainage problem in front of the Serdarevic residence where there is a low spot and ponding has historically occurred. The initial intention of the Highway Superintendent is to replace all cross pipes that exist along the frontage of that property, a total of three. In front of the residence, between the two driveways, that service the main house of the property there is a series of two catch basins that will be replaced, there is some drainage that connects the catch basins that will also be replaced and a new cross pipe in the area that exists today. He said where the low spot exists is a tentative spot for another catch basin, obviously to drain the low spot and then connect that new catch basin to the existing cross pipe that traverses Reservoir Road.

Mr. Gainer said this project has been previously reviewed by various parties including the Village of Goshen, their Mayor, their environmental consultant. It was also sent to the Orange County Planning Department for their comments as well. Mr. Gainer said the only other work planned would be to shape up the edge of the road for maintenance purposes so that the water can drain properly off of the paved road.

Mr. Gainer said, as the Supervisor said, there have been meetings with professionals of the property owner to see if accommodations could be reached in terms of the extent of the drainage improvements to be accomplished. That culminated in the development of the second plan which displays a slightly modified concept to try to address suggestions that have been offered by their professionals. He said there are just a few primary differences which are identified on this plan. The intent is still to replace all cross pipes that exist under Reservoir Road. The prime difference involves the present low spot where the surface ponding occurs, will be handled in a slightly modified way, there is a variety of berms that presently exists along the east side of Reservoir Road on the Serdarevic property, just beyond the tree line. He said this is beyond the 25 ft center line that the Town seeks to claim for maintenance purposes. The intent is for the homeowner

to commit to maintaining those berms so that the water is not conveyed from upland areas on to the road right of way. He said there are berms on both sides of the house that the owner has consented to maintain. He said the Town felt that this is a considerable suggestion to be considered if a written agreement can be reached. Mr. Giordano, a member of the public suggested just a culvert with perforations under the driveway to catch the water that flows in that area.

Mr. Gainer said the homeowner's professionals have requested the two cross pipes that exist presently be relocated slightly north of the north driveway. The Town would support this proposal if accommodations can be reached in writing.

Supervisor Bernstein opened the floor for public comment.

Miriam Munzer: I live just west of the Serdarevic property I have some photographs I would like to submit. Ms. Munzer presented the Board with the photographs. The photos that I took here are dated October 12th. The first series of photographs were taken at 1:30 in the afternoon before the Department of Public Works got to the premises. The first picture is a little blurry, since I took it from the inside of my car as it was really raining, torrential rain. But, you can see the car to the right in that photograph, that is the groundskeeper for Dr. Serdarevic, who blatantly parked right on the side of Reservoir Road in this torrential downpour and had cars passing her to the left into the East bound lane. That is the first photo I took. The second photo that was taken is the amount of flooding coming down, I'm not sure which driveway it shows on the engineering, but you can see there is the large rock in the corner of the driveway and then there is a pallet that was placed across the middle of the driveway with rocks on it and rocks in the roadway that prevents anyone entering the driveway. It also creates a tremendous issue for someone who might have hydroplaned on the amount of water that was rushing across that road. Anyone hitting that driveway at any time is going to take out the undercarriage of their car or create some sort of heinous accident for themselves or someone else. The second photo will also show the amount of flooding across the rocks in the driveway. The third one shows water crossing across the driveway, the Department of Public Works has already on the scene.

The very next photograph you can see the water rushing across the road, as well as the rope that is strung across the front of the property from driveway to driveway and beyond it. If someone ever hit that rope and bring those little rods out of the ground they would become projectiles, like arrows. The next photograph you see the cars as they need to cross over to the other lane of traffic so that they can get around the flooding that is occurring in front of the house. And so on, you see more cars in the next photograph, one car stopping, with a line of cars behind it, to allow a car traveling westbound to traverse the road over an enormous amount of water that came across it.

The very last picture, in the last week or so Mrs. Serdarevic has added several tons of item four to her driveway, just east of the main driveway to the house and has bermed it to probably eighteen to twenty four inches, which I would imagine is an attempt to stop the water from coursing down onto the road. The photographs that I have entered into

the record were done so I could show the Town Board and the public just how severe the flooding is in front of the property. It is a safety issue, for us the public, it is a safety issue for you the Town, the Town police, heaven forbid a school bus and another car come into close configuration of one another and one has to stop short, they may be involved in an incident. I believe what needs to be done is whatever you and the Town engineer find necessary and proper to correct the problem. We need to be able to traverse a safe road, one that is safe for us and safe for our children.

Matty Bono: I also have some pictures, not a book presentation, but I do have pictures. This is the driveway, the first driveway, you can see the water coming out, the amount of water coming out. Supervisor Bernstein interrupted Mr. Bono to ask "Do you remember the day the picture was taken?" Mr. Bono replied it was taken on the 12th of October. The Supervisor asked if the date was written on the back? Mr. Bono replied no. Supervisor asked Mr. Bono to write the date on the back of the pictures as he goes through them.

Mr. Bono: This is another one showing Highway putting out the stanchions so people could stop. Again the driveway, you can see the amount of water, it is all across the double lines on the street there. Cars have to go out of their way to come around this. You have the driveway with water pouring out of it, showing where the skids and the rocks are, these things do move out when the water is pouring down that driveway. Two pictures here with school buses, you have another handicapped bus that has to go around, has to stop and wait for the traffic. You have the cars having to go around the columns, waiting for the other cars coming in the other way, and so on, and so on. The day after that storm there was an accident there. I wasn't home, I could not get out my camera. They took out the trees right across from the second driveway. They hit the water and lost control of the car, took some trees, and stopped short of hitting a telephone pole. It has to be addressed, she has to sit down with you people and find some kind of solution. The stones put up on the upper open field there, the day of that storm, the stones that they did have there water was flying through there. Now they have put more stones that will slow it down a little bit, but it is not going to stop it. Stones do not stop it, there has to be some kind of culverts put in on the edge of those properties. The driveways are paved right out to the street, coming off her property that is paved right up to her house, water just flows right down into the street, which you can see in these pictures. There has to be some kind of drainage grate put in those driveways to stop it before it hits the roadway. I'm sure when you do that you can put those drains in, no problem at all.

Mr. Giordano: I had a very bad condition on my property, that was washing out my neighbor's property. I have a very gigantic driveway and it gets a lot of water on it. They put a culvert pipe across the driveway that was perforated on top that will catch every drop of water that is coming off the top. I don't say it is a cure for the problem, but that has to be done so that the water that comes off of there can be caught before it goes out on the road. Why let it go out onto the road and then try to bring it back to a swale which can catch it before, it's like putting the apple before the horse. (sic) The trees we were talking about saving, one of them fell down, a big branch came down with that rainstorm and Highway Department had to come down to get it off the road. I don't think those

trees need to be touched, just fix the water problem, catch the water, put it where you want it, on the other side of the road.

Dawn Weinstein: I just want to stress that they do have to come to a decision. We had a meeting on October 11th, I was here for that, right after that was the rain storm. I had to call the police twice, once for the flooding, the second time for the tree limb falling. All of this was going on with the kids coming home from school. It is not safe and for anybody not just the water problem, but then there is a problem with the stakes in the ground and the rocks there. On October 11th, Dr. Serdarevic said those stakes, everybody does that for landscaping purposes. I opened my eyes, I looked at many driveways and anybody who has stakes and stones they are all back at least ten feet from the front of the road. Those stakes are causing a problem, just as me on my way here. If somebody has their brights on the other side of the road and don't shut them off when you go by them you are trying not to hit the stakes on the road, but also not to go on their side of the road and have a head on collision. It's not safe, the flooding, the stakes along the road, the rocks all need to be taken care of, so if you can come to an agreement tonight so we all know that we will be safe and our children will be safe.

Town of Goshen Police Chief, Dennis Marsh: I was also involved with the area on the 12th of October, the afternoon, the night after our meeting here where we addressed the issue of flooding. My officer investigated an accident up in that location sometime in the afternoon a young girl hit that pool of water, alternately ended up crashing the car near a telephone pole. He asked the Board if they had the accident report. Supervisor Bernstein replied yes, however she thought it was dated the 14th. Chief Marsh replied yes, but on the 12th he went up with one of his officers and took some pictures. It is obvious, these are self explanatory. The Chief presented the pictures to the Board. Supervisor Bernstein asked if all the pictures were taken on October 12th. Chief Marsh replied yes. The Supervisor noted the date was on the photos. Chief Marsh also presented the Board with the accident report that occurred on October 14th. Chief Marsh said there was one more thing he wanted to add. He said it is getting to the point now, especially with winter coming, that its going to come to the point where I'm just going to close the road for safety reasons and people will just have to detour around it because someone is definitely going to get seriously hurt or possibly killed up there. It needs to be addressed.

Richard G. Leland: I represent the Serdarevics. I was listening with great care to what the Town Engineer was saying with respect to what was option II. I would like to state, for the record, that we appreciate the efforts of the engineer and the Town's Attorney's Office who have been working very hard to come up with a resolution with this. While we take issue with some of the statements made about the extent to which this is a public safety issue, which public safety issue is really, in our view, principally the result of improper paving of the road. I want to talk a little more about Option II as I think we are very close to a resolution here. I want to state, for the record, that Option II and our agreement, or attempts to make an agreement, do not include agreeing to any kind of condemnation. We had a conversation with Mr. Cappello yesterday and I sent him a letter today in which we made a proposal, in respect to some of the legal issues, having to do with how we would give notice, who would be responsible for what actions, but it

should be clear, for the record, that it is not Dr. Serdarevic's intention that we are going to do anything voluntarily by way of settlement that condemnation would be a part of that settlement. I am not condemnation counsel, unfortunately, our condemnation counsel is Charles Webb, who I believe was here last time, had two prior engagements that were scheduled prior this. I would ask that the record be held open so that Mr. Webb can come and address you with respect to this condemnation issue. I also want to put some things into the record, I have a letter for you Supervisor Bernstein, I have statements from Frank Stevens and Charles Senulis, who were eye witnesses to the October 14th accident, their statements differ from what you heard tonight, different from the Police report. This is not a court of law, I don't get to cross examine the Chief or the police officer as to who was where when they saw what, but Mr. Steven's statement contributes a portion of the accident to improper, unlevel condition of the road and testifies as to no ponding. I have a statement from Bosiljka Serdarevic regarding an incident on October 12th when the Town Highway Department blocked drains and that is part of the photographs that were taken, I have photographs of that as well. I would ask that the materials put on the record tonight for the first time be made available to us, for us to respond to and that may require not closing the hearing this evening. I would like to reiterate we have, at least from the conversation with the Town Attorney yesterday, have an understanding from an engineering basis, we are virtually in agreement on a manner of taking care of the drainage in the vicinity of my client's property. I would like to hand up several copies of the letter with some exhibits attached and turn this over to Dr. Serdarevic.

Supervisor Bernstein asked Mr. Leland to hand them to the Town Clerk who will copy them for the Board.

Dr. Olivia Serdarevic: Good evening everyone. I would like, first of all, just make perfectly clear that I have also been asking, it has been presented as though it is Serdarevic against the Town. Now I know most of you Town Board members care about the Town and care about public safety, I do too. I know you have been wanting to work to find a solution. It has been more than three years that we have been trying to address problems there, which were in a large part, due to the impeding problems with the road and also from the actions of a few members of the Highway Department. Who have been described to me as not wanting to find a solution to what has been an ongoing problem. I know most of the Highway Department members work diligently, work hard for the Town and care also about the Town. So we are not talking about most of the Highway Department workers, we are just talking about a few. However, as you also know, if this is really about public safety and I think there are people here tonight that care deeply about public safety and are also burdened by what is going on. The Police Chief has been burdened by what is going on. The Police Chief, who he himself, as well as many of his sergeants, have repeatedly told me they have repeatedly asked Highway Department members to please patch completely the road in front and not to create problems in the front. As I mentioned at the last meeting, there was a major patching job done on August 31st, 2004. That took care of a lot of the problems so that there was no ponding in front of the house. However, as I did state last time, that was a patching more or less and by no means a perfect job and there are still problems that need to be addressed. Unfortunately, my letters, my comments to the Highway Department have gone

unheeded, I'm truly sorry, the patching being done completely, what the police have asked has not been done and you have basically a bi-level patching job. Many members of the audience also had lots of time to address the plan if there was a problem with unevenness of the road. Unfortunately, it appears that the accident that occurred was due to the lip unevenness of the patching job and basically in the area where the lady had the accident, I was not there at the time, but you heard about the eye witnesses that were there at the time, that is an area where the Highway Department patched in elevated fashion, if you go from the center line the patching only starts about five feet over to the west and then goes to the edge and has an elevated lip at the edge which apparently, according to the eye witnesses, the girl caught the tire on. On the other side it is the same thing, where it starts just about five feet to the east and continues to the edge. So you have a trough basically created, not to mention the fact that you also have a situation where you have the patching that was done, so it was done starting only about twenty or thirty feet from the driveway, so that you would then have a situation where water falling from the sky would end up falling in a bindable area where basically about twenty three feet on either side of the driveway, both driveways, you have no patch and then an elevation where there is a patch. Now if you have a situation like this and like this (Dr. Serdarevic gestured showing one hand slanted down, the other up).it is pretty obvious that if you have anything falling from the sky it is going to accumulate in that area and not go anywhere. So that has been a problem that has been a part of the imperfect patching that was done last August.

Now the other thing, that has been repeatedly stated, is that the Highway Department cannot remove anything from the front of the driveway to the front of the lawn. When they dig out stones and remove stones they have created a different elevation of the driveway that has been created by the people who have worked for me over the years. First of all these driveway, we are not talking about a hill coming down, we are talking about an almost level area, but then in certain areas a little slope. However, it comes down to a point and rises up before it gets to the road's surface. However, where you have a situation where someone has dug out the front part and removed the stones and soil from the front as has happened many, many times by actions of the Highway Department. It is obvious than that you can create a situation where water will run out. So yes, we did put item four there because some of that had been dug out. Item four is not stone, item four is a combination of clay, plus stone, that prevents water from going and so we have built up that area, as we have numerous times built up the area to prevent anything getting to the road, because we don't want anything to get into the road because we don't want a problem. Now in addition, in regards to the fact that my driveway and my drains should not be getting the amount of water they have been getting as a result of what had happened with Orange & Rockland several years ago. We had also suggested, and despite the fact that different sets of engineers have shown that the existing systems for drainage, when not tampered with, work properly and accommodate more than even a hundred year flood. In point of fact, what we had, the events of last week, were in effect more than a hundred year flood. However, we have been wanting, if there is some perceived problem with our drainage system, as you well know, I have been wanting to work with you to make sure that we not only help the situation because of my house and my property, but because of everyone else traveling along that road. We have had

several sets of engineers who are proposing that what has been proposed by the Town Highway Department, which initially was not even done by an engineer, it was just taken out of a book, it wasn't any ingenious plan. We were very opposed to that, not just because of my property and those tree, believe me the trees, it is not trees versus children, it is finding a very safe solution for everyone. Now I don't think that people understand that what was going to be done was essentially going to be bringing water from 2,000 feet way in one direction 2,000 feet from the other direction, storm water runoff, which has pollutants in it, and dump it virtually into the Village of Goshen reservoir. Now I know the Town Board members wouldn't want to do that, I know the people of Goshen would not want that to happen and I wouldn't want that to happen. So this is why we have been proposing now for several years that if you want to put an extra pipe in, and we had no problems with an extra pipe being put in, to make sure that we can cover a two hundred year flood. That it be put further up, so that where it empties, will then allow it to come out on the other side of Reservoir Road, no closer, further than five hundred feet from the Village Reservoir. It is a point of fact, the watershed regulation of the Village of Goshen that tell us that we are not allowed to put pollutants within five hundred feet of the reservoir. This I think is something very crucial, God forbid you have a truck and unfortunately this road, I think something should be done about that, is used as a shortcut for commercial traffic to avoid 17A, and this is very dangerous, because we are talking about areas onto Conklingtown Road and in front of my house and virtually right in front of the Reservoir. If God forbid you get a fuel truck or any truck with hazardous materials that overturns, you are in an area of 4,000 almost 5,000 feet, anything that should overturn in that area would virtually almost immediately be dumped right into the Village Reservoir. So this is why, one of the reasons, that we have been opposed to that idea and wanting to work to find a solution that is much safer for the reservoir, much safer for the whole environment. I mean those trees keep the extra water in the ground and prevent extra water from running off. We all know what happens with all massive developments, the cut down of the trees and the water runs like crazy. So I just wanted to say we all want to achieve the same purpose. I don't know why we have been spending, when we all work together well, why we have been spending several years now using the Town's resources, using taxpayer money, which could be used for much better things. I know many of these things were not fully understood by the Town Board members. I want to emphasize that I know you care about public safety, but we have solutions, we have proposed solutions. Your engineer now agrees with solutions. I have wanted to make sure, in every way possible, that we could have the best solution so that we can go ahead and not have a problem. As far as the rocks, the reason as you know why the rocks are on that other driveway is because there has been damage done to my driveway which has been partially done by the Highway Department and because of that, that had to be blocked off. God forbid Mrs. Munzer, if someone turns into that driveway it could collapse too. Now I have not been able to use my main driveway and why, because this has been ongoing and nothing can done (Dr. Serdarevic was interrupted by Ms. Munzer)

Ms Munzer: You create an unsafe hazardous condition by stopping your car in the middle of Reservoir Road, to get out of your car to remove those rocks so you can get into your own driveway. Mean while the cars behind you, who are coming up over the rise, don't see you and have to slam on their brakes to avoid you.

Dr. Serdarevic: First of all I don't even go into that driveway because of the fact that it is blocked off.

A conversation started between Ms. Munzer and Dr. Serdarevic. Supervisor Bernstein asked " in stead of having a conversation, please just address the Board.

Dr. Sedarevic: I was just trying to say the reason why those are there now is that I have not been able to fix my driveway in terms of re black topping it until we find a resolution. So therefore, I have not been able to use my own driveway and that is why that is there, to make sure that no one drives over that area which is in my driveway and that is the reason those rocks are there. So again, I mean we've had a situation that has been difficult for everybody, we want to resolve the situation. I much preferred the time when I lived in the Goshen that I loved and that I was brought up in. I was brought up as a child here and where I didn't have to worry about people coming over and doing things to the driveways, doing things creating an unsafe situation. Because it is very unsafe also when you have a situation where the Highway Department, during the winter time, come and actually dig out the first two feet of soil along the edge, that is very hazardous. Not only does that destroy my property, but it is very hazardous, because just as that girl tripped over that lip of the road if you have a situation where you have a truck along side the road because that's dug out, that is very dangerous, not to mention the fact that when you dig out a trough right next to the edge of the road what happens when the rain comes from the ground, from the sky, it accumulates there. What happens in the winter, it will freeze and thaw and undermine your road. So this is why we want to maintain, and I believe your engineer even has emphasized, Mr. Feener has emphasized, multiple times, in discussions here and discussions with engineers, that it is very important to maintain an approximately level two foot area next to the road so something like that doesn't happen. So I just want to say I want to work with you, I have always wanted to work with you. We have wanted to find a solution and I don't know why it is fair that the area that one is talking about in terms of a possible culmination is ten acres. Now just calculate that in terms of what we want to achieve. We want to work together, we want to have a solution, I want to have a solution. Whatever I can do to help, I have spent, people in the audience don't know, but I spent a lot of time on this. We have never had a road so engineered that I know of, that is not a new road, in the Town of Goshen. I have been using my resources to bring in several engineers to make sure that what we have, somebody takes care of. The fact is the drain systems in place do take everything, but to prevent, if there is anything that can be viewed as tampering with private property so we don't have a problem that even if there are individuals that want to tamper with private property, that want to create problems, that we don't have them, I think we all want that. Thank you.

Supervisor Bernstein asked if there was anyone else who would like to speak

Dr. Serdarevic: Did you want me to show you the pictures? Supervisor Bernstein replied that is for you to decide. You can enter them into the record. Mr. Leeland stated the record shows them.

Dr. Serdarevic: Just to let you know on the fourteenth, the date the accident happened, we found afterwards that the mesh, and the Highway Department had been seen, on just prior, the mesh and the grate of the pipe that collects all the water had been removed from the culvert. (the next statement inaudible due to changing tape) Talking about it being hazardous regarding barricades, well barricades left up for days, when there was nothing on the road, is a hazard to people, because you have to have another car going over and we had that situation as you can see here. So once again we had a problem with drains being blocked up, we had a situation when over the weekend when no one from the Highway Department is working, when we had 12 inches of rain where there was no flooding whatsoever on the road. I don't care to come here, I don't want to come in the future and talk about who is tampering with what, who has been causing a problem or not, but find a solution that individuals cannot tamper with and we can work together to resolve it and the other thing is also winter is coming and I want to make sure that the main problem right now is that people do not tamper, its with the road and the patching, it is a dangerous situation, actually Chief Marsh himself has repeatedly told, when he came over and looked at the area, the only areas that ponded over the winter, actually not ponding, but a slight amount of ice accumulated in the area of the bi-level patching. Therefore, you don't have an opportunity for water to go. We need to do that before the winter, there is no question. We have to make sure that not only are there no areas where any thing falling from the sky just ends up staying there because of the bi-level road. We have to make sure that the edges are safe so wheels can't catch in them, when you have an inexperienced, sixteen year old driver, as was the case apparently that day of the accident. Please, I agree with Chief Marsh, I mean we don't want to have this situation over the winter and if you start now, with the procedure you are talking about, unless we find a solution, everyone is going to be suffering because the procedure you are talking about now, as you know, would be tabled a great deal of time and it wouldn't be started now and finished before winter. Let's make sure that we get the proper level and to make sure for 200 or 300 year storms that we get those pipes in the right areas, safe for the reservoir and there is no need to remove trees, the trees have nothing to do with whole thing. We just need to face the situation. Thank you very much.

Mr. Leland: On behalf of Dr. Serdarevic, we will continue, between now and the time when the Board makes a determination, to work with the Town to try to come up with an agreed upon solution, rather than one by which the Town takes a severe, extreme act of condemnation. We have been in communication with the Town's Attorney's office frequently and the engineers have been speaking with each other. We are committed to coming up with something that is mutually agreeable to the situation and put an end to years of disagreement. We do ask that we have an opportunity to respond to whatever has been put in the record this evening of which I have not seen yet. I understood from the Town Attorney it is your intention to close the hearing this evening. I would appreciate an opportunity to at least make a written submission, within a reasonable period of time, and that written submission, as well as a written submission from condemnation counsel be made part of the record.

Supervisor Bernstein asked if any one else would like to speak. With no response, the Supervisor stated that is has been an ongoing situation, for probably more than ten years.

She said she got on the Board in 2000, it was a problem then. Shortly, probably around 2002, or sometime early 2003 there was a lawsuit and we have been excluded from what we considered the Town's easement area, along side the main road. The same easement areas we have along all the other Town roads in order to do what we consider to be necessary work. Because the Chief, the Highway Department and others have indicated to us that this is a serious public safety concern, with winter coming and a problem of icing the Supervisor called for a Motion to close the Public Hearing. Councilman Bloomfield made a Motion to close the Public Hearing tonight, with the right to reserve decision until November 10th, to hear counsel for Dr. Serdarevic on the opportunity, within two week from tonight, to submit any comments he may have in regard to any information that was given to the Board tonight. The Supervisor stated "we have already had three meetings about this and many, many settlement and other discussions between counsel for the Town and counsel for the property owner as well as the two engineers." She said I think it is time for us move forward on this and not delay anymore. The Motion was seconded by Councilman Roberts. The Motion was carried unanimously.

3. PROPOSED SUBDIVISION REGULATIONS

Supervisor Bernstein opened the Public Hearing explaining the Board has referred the proposed subdivision regulations to the Orange County Planning Department and to our Planning Board. The Orange County Planning Department stated: We have found upon review that the draft proposal Land Subdivision Law for the Town of Goshen is easy to read and comprehend. We find it illustrates much sensitivity and thought to the quality of life for Town residents. The document is well written and straight forward. This draft is a good example of what other towns could use for their subdivision law. The Orange County Planning Department had some minor suggestions, as did our own Planning Board. Supervisor Bernstein stated she has asked the Town Attorney to prepare a red line version of the subdivision regulations, modified to incorporate these suggestions.

Councilman Roberts made a Motion to keep the Public Hearing open until November 10, 2005. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

D. PRIVILEGE OF THE FLOOR (agenda items only) : No response

E. REPORTS:

Councilman Cappella reported there was a water district meeting recently where it was brought to Highway's attention that there were a few areas of pavement that were in need of repair, as a result of work done on some water pipes, in Hambletonian Park. Councilman Cappella stated 90% of the work has been done at this time and hopefully will be completed tomorrow if there is no rain. Councilman Cappella also reported Highway will be thirty two miles of road will be striped within the next couple of days, weather permitting.

Councilman Cappella reported he attended a seminar for Federal Aid Process, which has to do with grant monies we were awarded for Orseck Road. He explained it is a very complicated process and he was sure he would be taking care of this in the spring.

Councilman Cappella reported the Senior Thanksgiving Lunch will be held on November 17, at 12:30 p.m.

Councilman Cappella also reported this last week he made two phone calls to Pat Foley owner of Goshen Plaza. He said the reason he called is he has a friend who was thinking of putting a grocery store here in Goshen. Councilman Cappella stated in talking to Mr. Foley, Councilman Cappella was told Mr. Foley had just signed a lease contract for a supermarket and they would be breaking ground in approximately 60 days. He said he knows this will make a lot of seniors very happy.

Councilman Newbold reported he replaced the dead plants in front of the Town Hall. The Police Department has it's new door and the department will be holding a Halloween parade and party at Craigville Park on Sunday. Councilman Newbold said, just for clarification, that one of the water pumps in Hambletonian Park shut down on October 12th. He said Joe Klopchin was out there at 2:00 a.m. installing a new pump, in all that rain, making sure everything didn't flood out. He said many times the employee get left out, but he said Mr. Klopchin is doing a spectacular job. Councilman Newbold said at the last water and sewer meeting someone in the audience was making accusations against our water operator. Mr. Klopchin assured Councilman Newbold he follows the rules and regulations of the Health Department and puts the health of the residents of Hambletonian Park first.

Councilman Roberts said to clarify something Councilman Newbold said, the pipe was not chlorinated when people used it, but it was chlorinated properly under the emergency situation. He said the Board was not aware of this when the gentleman made the accusations at the water/sewer meeting or the Board would have addressed it at that time. He said we are still moving along as rapidly as we can to prepare for the work to be done on the water/sewer in Hambletonian Park and the smoke and camera testing.

Councilman Bloomfield reported he had attended a New York State Financial Planning Course. He said he felt it was one of the highest, quality courses he has ever attended. He said the State Comptroller, Alan Hevesi put the course together. It is for financial officers for schools, villages, towns, anyone connected with collecting taxes and spending money. The Councilman said he was told that New York State has the second highest debt in the nation and also the highest debt per capita in the nation. He said the course for us was to plan, don't be arbitrary in how you spend money, look and evaluate, base it on facts, etc. He said that's what we would be doing for the Town to move forward.

Councilman Bloomfield said he recently talked about a woman who had called him complaining about the Humane Society. He said the same woman called him yesterday and had accolades about the Society. She had taken two little kittens in and the place was spotless and she was treated very well. Councilman Bloomfield also reported the

Recreation Commission is having a tree planting on Saturday, from noon to 4:00 p.m. They will be planting about 28 trees. He announced two upcoming occasions, one on October 30th, 12:30 to 5:00 p.m. a Halloween party and parade. The second is a family holiday trip to New York City to see the Christmas Spectacular on November 13th. It will be from 7:30 a.m. to 4:00 p.m. It is free for Goshen residents and will be done with a lottery that will be drawn on November 3rd. Tickets can be picked up at the Village Hall and at least one child must be attending with the adults. Councilman Bloomfield stated there are lots of good things going on in Joint Rec.

Supervisor Bernstein reported as Commissioner of the water/sewer districts. She said they had their third water/sewer meeting about two weeks ago. The Supervisor said they rehab one of four Hambletonian wells. It was producing three gallons a minute, after hydrofracturing it went up to ten gallons per minute. As Vice President of Associations of Town I attended a meeting on Tuesday which was held at the Orange County Jail. They toured the jail and she said she was very impressed, it was spotlessly clean, the people who work there were extremely professional and everything seemed extremely well managed. She said just for the information of the public, they have a program she did not know about. You can bring your child in there and have them finger printed and are given an ID number and they are issued an ID card so that they are easily tracked if something happens. It goes into a central data system in Albany.

Supervisor Bernstein reported the Town of Goshen was recognized by Pace Land Use Law Center. They said we implemented several innovative land use policies, that we have adopted an aggressive and innovated zoning code that functions to preserve the environment and at the same time allow for development. Supervisor Bernstein reported there is a signed agreement for a grocery store pursuant to Mr. Foley, but she understood the name of the grocer was to remain confidential until a press conference could be arranged.

F. OLD BUSINESS:

1. Approve Humane Society Request for Expansion

Supervisor Bernstein explained the Humane Society has asked to expand it's facility by adding an 840 square foot addition. Councilman Cappella made a Motion to accept the concept of the expansion of the Humane Society facility by 840 square feet, and any final approval of the expansion shall be subject to review of the building plans and any other site work to accomplish the plan by the Town's engineering consultants and the Planning Board. Which review shall include, but not necessarily be limited to an analysis of necessary parking, adequacy of well and septic and satisfactory negotiations regarding the extension of the ground lease to a term not to exceed 39 years. The Motion was seconded by Councilman Roberts. Motion carried unanimously.

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION
DETERMINING EXPANSION OF
THE GOSHEN HUMANE SOCIETY BUILDING

Introduced by: Councilman Louis Cappella
Seconded by: Councilman Richard Roberts
Date of Adoption: October 27, 2005

WHEREAS, the Goshen Humane Society currently operates a facility on the Town of Goshen property pursuant to a ground lease agreement made and entered into July 11, 2002, said lease to run for a period of ten (10) years; and

WHEREAS, due to the increased use of the facilities, the Humane Society is seeking to increase the size of the facility by adding an 840 square foot addition, which addition would include 10 exterior dog runs and 10 interior dog runs; and

WHEREAS, the Humane Society also desires to extend the term of its lease to insure that it will be able to obtain the maximum benefit from its investment in the building addition and plan its future services appropriately; and

WHEREAS, the Town of Goshen Town Board understands the needs of the Humane Society to expand in order to continue to provide these important Humane Society services to Town of Goshen residents.

NOW, THEREFORE, BE IT RESOLVED that the Town of Goshen Town Board hereby declares that it is in the public interest to pursue the expansion of the Humane Society building by approximately 840 square feet.

BE IT FURTHER RESOLVED that any final approval of said expansion shall be subject to: (1) review of the building plans and any necessary site work to accomplish the plan by the Town Engineering Consultant and/or Town Planning Board, which review shall include, an analysis of necessary parking, adequacy of well and septic, etc.; (2) satisfactory negotiations regarding the extension of the ground lease to a term not to exceed 39 years. On the condition the neighbors, Highway Department and Police Department do not object to the expansion.

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.

2. Bond Resolution: Amending Bond Resolution adopted December 3, 2003

RESOLUTION OF THE TOWN OF GOSHEN, NEW YORK
ADOPTED OCTOBER 27, 2005, AMENDING THE BOND
RESOLUTION ADOPTED DECEMBER 3, 2003

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 members of said Town Board) AS FOLLOWS:

Recitals

WHEREAS, the Town Board of the Town of Goshen, in the County of Orange, New York, has heretofore duly authorized the issuance of serial bonds for the acquisition of a parcel of real property in the Town, known as the Salesian property, designated as Section 105, Block 1, Lot 2.1 on the Village of Goshen Tax Map, pursuant to the bond resolution adopted by said Town Board on December 3, 2003; and

WHEREAS, said resolution limited the maximum maturity of the bonds to five years: and

WHEREAS, the Town Board has now determined that it is in the best interests of the Town to amend such bond resolution to provide for a longer period of probable usefulness, as authorized under the Local Finance Law, and to provide that such bond resolution, as amended, shall therefore be subject to a permissive referendum;

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 members of said Town Board) AS FOLLOWS

Section (D) Said bond resolution, as herein amended, is subject to a permissive referendum as herein provided. In the event that a valid petition protesting against said bond resolution, as amended, and requesting that it be submitted to the electors of said Town for their approval or disapproval is filed and the Proposition submitted therefore is defeated, the validity of the bond resolution adopted December 3, 2003, shall not be in any way affected and shall remain in full force and effect.

Section (E) After said bond resolution, as herein amended, shall take effect, the Town Clerk is hereby directed to cause said bond resolution as herein amended, to be published, in summary, in the newspaper hereinabove referred to in Section (C) hereof. And hereby designated the official newspaper for said publication, together with a Notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York (For full text of bond, see 10/11/05 Town Board meeting)

F. NEW BUSINESS

1. Hambletonian Park Bond Resolution

Councilman Newbold made a Motion to accept the Negative Declaration pertaining to Hambletonian Park Sewer District Inflow and Infiltration Study. The Motion was seconded by Councilman Bloomfield. Motion carried unanimously.

**TOWN OF GOSHEN
Resolution and Notice of Adoption
Of SEQR Negative Declaration
Determination of Non-Significance
Hambletonian Park Sewer District Inflow and Infiltration Study**

WHEREAS, the Town of Goshen Town Board on behalf of the Hambletonian Park Sewer District has determined that it is necessary to conduct a study to determine the extent of inflow and infiltration into the Hambletonian Park Sewer District sewer system; and

WHEREAS, this study will also recommend solutions to any problems identified; and

WHEREAS, the Town Board has retained the services of Fusco Engineering, Inc. to conduct this study which will consist of non-evasive procedures including a smoke test and video inspection; and

WHEREAS, the Town Board has review the EAF and the report of the engineers disclosing that the smoke test will not result in any fire hazards or any other hazards to homeowners within the Hambletonian Park and the engineer has further confirmed that the procedures for the testing will be non-evasive; and

WHEREAS, the Town now wishes to authorize the work and adopt a bond resolution to finance the cost of the study with the understanding that any further work recommended to address any deficiencies in the sewer system will undergo a separate SEQRA review since it is impossible to determine the extent of any impacts from the work until the scope of work is determined.

NOW, THEREFORE, BE IT RESOLVED that the Town of Goshen Town Board considered the proposed action as described in its application and EAF in accordance with the procedures and criteria set forth in 6 NYCRR 617.7, and determines due to the non-evasive procedure for the testing and study that there will be no adverse impacts to the environment by conducting the infiltration and inflow study for Hambletonian Park Sewer District.

BE IT FURTHER RESOLVED, that this Notice of Adoption of the SEQR Declaration, Determination of Non-Significance is made for purposes of Article 8 of the Environmental Conservation Law and declares as follows:

Title of Action: Hambletonian Park Sewer District Infiltration and Inflow Study.

Description of Action: Conducting of studies and analysis through smoke test, video monitoring and other non-evasive procedures to determine the extent of inflow and infiltration of non-sewage into the Hambletonian Park sewer system and recommend alternatives to address any problems discovered.

Location: Hambletonian Park development

Contact Person: Honey Bernstein, Supervisor
Town of Goshen
41 Webster Avenue, P.O. Box 217
Goshen, New York 10924

AND IT IS FURTHER RESOLVED that this Resolution of Determination and Non-significance be deemed Notice of Adoption of SEQR Negative Declaration and Determination of Non-significance and shall be filed in accordance with Part 617.12 of the SEQR Regulations on a vote of 5 ayes and 0 Nays. The Supervisor declared the Resolution was adopted.

Dated: October 27, 2005

Filed in the Town Clerk's Office: October 27, 2005

Councilperson Bloomfield 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 Roberts and duly put to a vote on roll call, which resulted as follow:

AYES [5] NOES [0]

This resolution was declared unanimously adopted.

BOND RESOLUTION OF THE TOWN OF GOSHEN, ADOPTED OCTOBER 27, 2005, APPROPRIATING \$ 50,000.00 FOR THE PREPARATION OF PLANS FOR REPLACEMENT OF FACILITIES OF HAMBLETONIAN PARK SEWER DISTRICT IN SAID TOWN, AUTHORIZING THE ISSUANCE OF \$50,000.00 SERIAL BONDS OF SAID TOWN TO FINANCE SAID TOWN TO APPROPRIATION, AND AUTHORIZING ANY AMOUNTS RECEIVED FROM THE STATE OF NEW YORK TO BE EXTENDED TOWARD THE COST OF SAID SPECIFIC OBJECT OR PURPOSE OR REDEMPTION OF SAID BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES, ASSESSMENTS AND/OR SEWER RENTS FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST OF SAID BONDS.

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 THEREFOR,

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 FOLLOWS:**

Section 1. The Town hereby appropriates the amount of \$50,000.00 for the preparation of plans, specifications and estimates for the replacement of facilities of the Hambletonian Park Sewer District (hereinafter referred to as "District"), all in accordance with the plan prepared by duly licensed engineers of the State of New York, on file in the office of the Town Clerk and hereby approved. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$50,000.00 and the plan of financing includes the issuance of \$50,000.00 serial bonds of the Town and the assessment, levy and collection

of special assessments upon the several lots and parcels of land in the District to pay the principal of said bonds and the interest thereon so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same and the establishment and collection of sewer rents, pursuant to the Town Law, to pay the principal of and interest on said bonds and the costs of operation, maintenance and repair; and amounts received from the State of New York shall be expended towards the cost thereof or redemption of the bonds issued therefore or shall be budgeted as an offset to the assessment and/or sewer rents to pay the principal of and interest on said bonds.

Section 2. Serial bonds in the principal amount of \$50,000.00 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 11.00a.51 of the Law, is thirty (30) years.
- (b) The proposed maturity of the bonds authorized by this resolution will not 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 of 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 of 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 shall take effect immediately.

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 Review Act, with respect to which said Town Board has made a "Negative Declaration."

Councilman Bloomfield made a Motion to adopt the above budget, the Motion was seconded by Councilman Roberts. Motion carried unanimously. Councilman Bloomfield stated, for the record, if the Board should see a deviation from the \$30,000. estimated, it be brought back to the Board. The Board agreed.

2. Resolution: Relevy of Unpaid Water & Sewer Charges

**TOWN OF GOSHEN RESOLUTION
RELEVY OF UNPAID WATER AND SEWER CHARGES**

BE IT RESOLVED that the following charges for water and/or sewer service remaining unpaid as of the date of this resolution be relevied upon the2006 real property tax rolls:

Levy of Unpaid Utilities

NAME	SECTION- BLOCK- LOT	AMOUNT
Hambletonian Park	District 1 Water	\$11,607.74
	District 2 Sewer	\$13,221.90
	Subtotal	\$24,829.64
Arcadia Hills	District 2 Water	\$35,444.99
	District 2 Sewer	\$28,564.13
	Subtotal	\$64,009.12
Stone Hedge	District 3 Water	\$2,245.57
TOTAL LEVY OF UNPAID UTILITIES FOR 2005		\$91,084.33

Levy of Meter Installation

Hambletonian Park	District 1 Water	\$5,424.00
Arcadia Hills	District 2 Water	\$8,386.00
TOTAL LEVY OF METER INSTALLATION 2005		\$13,810.00

On a motion by Councilman Cappella, seconded by Councilman Roberts, the resolution was adopted on a vote of 5 Ayes, 0 Nays.

The Supervisor Declared this Resolution adopted.

Dated 10/27/2005

G. FINANCE:

Councilman Newbold made a Motion to authorize the Supervisor to pay Voucher #2005-2594 to Voucher #2005-2602 amounting to \$41,932.31. The Motion was seconded by Councilman Roberts. Motion carried unanimously.

Councilman Newbold made a Motion to authorize the Supervisor to pay Voucher #2005-2602 to Voucher #2005-27 amounting to \$94,781.26.

H. PRIVILEGE OF THE FLOOR

Councilman Cappella said he would like to thank Councilman Newbold for his handling of the question asked of him about the use of Salesian.

Reynolds Andrews asked about the rate of interest charged by the County on the water/sewer bills. He felt people might pay their bills if they were aware of the interest rate. Attorney Protter also said there are penalties applied as well.

Councilman Cappella made a Motion to go into Executive Session for the purpose of discussing personnel and pending litigation. The Motion was seconded by Councilman Cappella. Motion carried unanimously.

J. ADJOURNMENT: 9:50 P.M.

Valma Eisma, Town Clerk

