

Village Board Meeting  
December 13, 2010

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

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

Mayor Higgins called the meeting to order at 7:30 p.m. and led those present in the Pledge of Allegiance.

On a motion by Trustee Roddey, seconded by Trustee Stewart, the Agenda was amended by the addition of Items of Business # 8 and #9 – both Resolutions authorizing the Mayor to sign contracts with Orange County for Energy Efficient Block Grants.

Char	aye
Mattheus	absent
Roddey	aye
Stewart	aye

On a motion by Trustee Stewart, seconded by Trustee Roddey, the Minutes of the November 15, 2010 Village Board Work Session were accepted as submitted.

Char	aye
Mattheus	absent
Roddey	aye
Stewart	aye

On a motion by Trustee Roddey, seconded by Trustee Char, the Minutes of the November 22, 2010 Village Board Meeting were accepted as submitted.

Char	aye
Mattheus	absent
Roddey	aye
Stewart	aye

On a motion by Trustee Stewart, seconded by Trustee Roddey, the Minutes of the December 6, 2010 Village Board Work Session were accepted as submitted.

Char	abstain (absent on December 6, 2010)
Mattheus	absent
Roddey	aye
Stewart	aye
Higgins	aye

On a motion by Trustee Roddey, seconded by Trustee Char, bills as examined by members of the Board were approved in accordance with Abstract 2010/2011 numbers 16 and 17, check numbers 673 through 823 in the amount of \$323,063.24.

Char	aye
Mattheus	absent
Roddey	aye
Stewart	aye

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

**WHEREAS**, pursuant to an Order on Consent issued by the New York State Department of Environmental Conservation, hereinafter the "DEC," in 2001, the Village of Goshen, hereinafter the "Village," was ordered to design and construct a new Waste Water Treatment Plant, hereinafter the "WWTP," to service the waste water disposal needs of Village residents as well as contract users of the WWTP; and

**WHEREAS**, construction of the new WWTP in the location recommended by the Village's Consulting Engineers resulted in the need to disturb a portion of an abandoned landfill that had previously served the needs of Village residents; and

**WHEREAS**, in June of 2005, the DEC denied the Village's request to disturb only a portion of the abandoned landfill and advised the Village that it was necessary to excavate the entire landfill and further advised the Village that it would commence enforcement proceedings against the Village regarding the landfill unless the Village complied with current landfill closure regulations; and

**WHEREAS**, the Village Board in office in 2005 evaluated various alternatives regarding the closure of the landfill and determined that all potential alternatives were cost prohibitive and therefore elected, with DEC approval, to excavate the landfill and temporarily stockpile the landfill material until a more cost effective method of disposal of the landfill material could be identified; and

**WHEREAS**, the excavated material has now been stockpiled for a period of time in excess of the time allowed by the applicable DEC Rules and Regulations; and

**WHEREAS**, the Village has engaged the services of Cornerstone Environmental Group, LLC to again evaluate the potential alternatives for the disposition of the stockpiled material in view of the immediate need to dispose of said material in accordance with DEC regulations; and

**WHEREAS**, Cornerstone Environmental has evaluated 11 different alternatives for the disposal of the stockpiled material which alternatives are set forth in a table annexed hereto and made hereof as Exhibit "A," which is dated September 2009 and was last revised December 2, 2010 which table identifies the costs associated with the various alternatives; and

**WHEREAS**, the least expensive alternative for disposal of the stockpiled material, the beneficial reuse of the stockpiled material, is deemed unlikely to occur by the Village as no beneficial reuse for the material has been identified in the past 5 ½ years since the need for the excavation was first identified; and

**WHEREAS**, six other alternatives, identified as alternatives 1, 4a, 4b, 5a, 5b and 5c on the attached table have either been eliminated as a potential alternatives by the DEC or determined to be physically impossible and/or impractical by Cornerstone; and

**WHEREAS**, the remaining alternatives identified in said table, which essentially consist of disposal of the stockpiled material at an offsite commercial landfill, range in cost from between \$67.00 per ton and \$75.00 per ton of material to be disposed; and

**WHEREAS**, the Village of Goshen has now received a proposal from C.J. Nesti Materials and Longhorn Transport pursuant to which these entities propose to dispose of the stockpiled material at the Middlesex New Jersey County Landfill, hereinafter "MCLF" for a cost which is substantially less than the other alternatives which have been identified and evaluated as the only remaining feasible alternatives by Cornerstone; and

**WHEREAS**, the said proposal of C.J. Nesti and Longhorn is annexed hereto and made part of this resolution as Exhibit "B," and provides for the use of the stockpiled material

as Alternative Daily Cover (“ADC”) at the MCLF at the cost of \$52.25 per ton of material to be disposed; and

**WHEREAS**, the said proposal of C.J. Nesti and Longhorn represents a substantial cost savings as compared to the other alternatives that have been identified regarding the disposal of the material; and

**WHEREAS**, the Village recognizes that in addition to the fees for disposal of the stockpiled material, fees for ongoing engineering and environmental monitoring at the site must also be incurred notwithstanding the alternative selected; and

**WHEREAS**, annexed hereto and made part hereof as Exhibit “C” is a proposed contract by and among the Village of Goshen, C.J. Nesti Materials and Longhorn Transport pursuant to which the Village intends to engage the services of C.J. Nesti Materials and Longhorn Transport for the purpose of disposing of the stockpiled material in accordance with the proposal annexed hereto and made part hereof as Exhibit “B” and pursuant to the terms of the contract annexed hereto and made part hereof as Exhibit “C”; and

**WHEREAS**, time is of the essence with regard to this matter as the Village must dispose of the material in accordance with law and, further, the Village has been advised by the office of the New York State Attorney General that it will be subject to an Order on Consent pursuant to which it will be required to remove the stockpiled material within a fixed period;

**NOW, THEREFORE**, in order to be in compliance with all applicable rules, regulations, statutes and ordinances and to do so in the most cost effective method on behalf of the Village ratepayers, it is hereby

**RESOLVED**, that the Mayor is authorized to affix his signature to the contract annexed hereto and made part hereof as Exhibit “C” to allow work to begin pursuant to said contract immediately.

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

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

WHEREAS the level of property taxation throughout New York has reached dangerously high levels; and

WHEREAS New York leads the nation in property taxes simply because we lead the nation in imposing inefficient state mandates on our local governments; and

WHEREAS two of the largest components of every municipal budget over which local officials have little control – pension payments and health insurance costs – are increasing at exorbitant rates; and

WHEREAS in the case of pension costs, bills from the State Retirement System will increase by an average of 40% in both 2011 and 2012; and

WHEREAS state laws pertaining to the collective bargaining of contracts between municipalities and employee unions, particularly those pertaining to firefighters and police officers, do not allow local officials to reasonably control the costs such contracts impose on property taxpayers; and

WHEREAS as a solution to New York’s property tax crisis, the Governor of New York and the New York State Legislature will, in 2011, consider enactment of legislation imposing a cap on the annual growth in property taxes; and

WHEREAS a property tax cap will only work if it is simultaneously accompanied by a repeal of current state mandates that require local governments to increase spending and property taxes; and

WHEREAS a property tax cap without repeal of costly state mandates will, by definition, lead to drastic cuts in essential local services and dramatic layoffs of municipal employees;

NOW, THEREFORE, BE IT RESOLVED by the Village of Goshen that the Governor of the State of New York and the members of the New York State Senate and New York State Assembly must reform the cost drivers that lead to high property taxes in New York – including pension benefits, health insurance costs and the collective bargaining process – as the central element of any effort to provide overdue property tax relief to the residents and businesses of New York.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, Senator Larkin, Member of Assembly Rabbitt, and the New York State Conference of Mayors.

Char	aye
Mattheus	absent
Roddey	aye
Stewart	aye

On a motion by Trustee Char, seconded by Trustee Roddey, Joshua Bell and Brian Ritchings are hereby authorized to attend Activated Sludge Wastewater Treatment courses from January 31, 2011 to February 3, 2011 at Morrisville State College. It is understood that the cost for the training will be \$500.00 per person plus the costs of mileage, food, and lodging.

Char	aye
Mattheus	absent
Roddey	aye
Stewart	aye

On a motion by Trustee Stewart, seconded by Trustee Char, and based on the review and recommendation of Arthur Tully, P.E., the Village Board hereby authorizes release of the Landscape Bond, in the amount of \$6,370.00 for Village Place, (114-4.3.21, 3.22, and 1; 111-10-17.2).

Char	aye
Mattheus	absent
Roddey	aye
Stewart	aye

On a motion by Trustee Stewart, seconded by Trustee Roddey, Village Clerk Strobl is hereby authorized to attend the New York Conference of Mayor's Village Election Workshop, to be held January 6, 2011 in Fishkill, New York. The total cost for this training is \$60.00.

Char	aye
Mattheus	absent
Roddey	aye
Stewart	aye

On a motion by Trustee Stewart, seconded by Trustee Roddey, the following are appointed for the forthcoming Village election, to be held March 15, 2011.

Lee Krish	Election Inspector, Chairman
James Heslop	Election Inspector
Nora Johnson	Election Inspector
Jeanne Krish	Election Inspector
Barbara Munhall	Election Inspector
Anna Nuzzolese	Election Inspector
Paula Olsen	Alternate
Roberta White	Alternate
Joanne Muldoon	Alternate

The amount of compensation will be Chairman - \$175.00, and Inspectors - \$150.00 per day.

Char	aye
Mattheus	absent
Roddey	aye
Stewart	aye

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

The Annual Election of the Village of Goshen will be held at Village Hall, 276 Main Street, Goshen, New York, on Tuesday, March 15, 2011.

Polls will open at 9:00 a.m., and close at 9:00 p.m. that same day.

There will be no Village Registration Day.

A vote resulted as follows:

Char	aye
Mattheus	absent
Roddey	aye
Stewart	aye

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

**WHEREAS**, the County of Orange, under the American Resource and Recovery Act, has awarded the Village of Goshen a 2010 Orange County Energy Efficiency Conservation Block Grant in the amount of \$5,760.00.,

**NOW, THEREFORE, IT IS HEREBY,**

**RESOLVED**, that the Mayor is hereby authorized to execute the Agreement prepared by the County of Orange for the purpose of effectuating the foregoing grant, and to accept the funds, as stated.

Char	aye
Mattheus	absent
Roddey	aye
Stewart	aye

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

**WHEREAS**, the County of Orange, under the American Resource and Recovery Act, has awarded the Village of Goshen a 2010 Orange County Energy Efficiency Conservation Block Grant in the amount of \$400.00.,

**NOW, THEREFORE, IT IS HEREBY,**

**RESOLVED**, that the Mayor is hereby authorized to execute the Agreement prepared by the County of Orange for the purpose of effectuating the foregoing grant, and to accept the funds, as stated.

Char	aye
Mattheus	absent
Roddey	aye
Stewart	aye

## Mayor/Trustee Comments

### Sewer

Trustee Roddey explained that the controls at the Minisink Pump Station have been repaired and that all sewer pump station wet wells have been cleaned and winterized.

### Police

Trustee Char noted that the entire Department had recently completed CPR, Defibrillator and choking training. All members were certified in the new CPR 30 compression/2 respiration ratio and department defibrillators were reprogrammed. Special thanks were offered to department EMT Mike Gregorio for conducting the training and Mobile Life Support Services for providing the equipment.

### DPW

Trustee Stewart reported the following recent activities of the DPW: Fall leaf pick-up is over for the year, although crews will continue picking up sticks from storms; holiday lights have been placed in the downtown area; stop signs were installed on Murray Avenue and Maiden Lane in Harness Estates; and crews have been out salting black ice.

### Water

Mayor Higgins, reporting for Trustee Mattheus, noted that the reservoir is down 25”.

Mayor Higgins spoke of a recent meeting with officials from BOCES regarding their lease of the Arden Hill Hospital property.

Mayor Higgins thanked Attorney Donovan and Building Inspector Ted Lewis for resolving a drainage issue on Hilltop Drive.

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

On a motion by Trustee Roddey, seconded by Trustee Stewart, the meeting was adjourned at 8:15 p.m.

Char	aye
Mattheus	absent
Roddey	aye
Stewart	aye