

A Regular Meeting of the Town Board of the Town of Goshen was held on the 14<sup>th</sup> day of December 2006 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:

Douglas Bloomfield	Supervisor	Louis Cappella	Councilman
Kenneth Newbold	Councilman	Philip Canterino	Councilman
George Lyons	Councilman		

Also Present: Howard Protter, Town Attorney, David Dubae, Traffic Engineer

**A. CALL TO ORDER:** Supervisor Bloomfield called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

**B. AMENDMENT TO THE AGENDA:** None

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

**D. TRAFFIC STUDY REVIEW WITH DAVID DUBAE OF STANTEC, INC.**

Supervisor Bloomfield introduced David Dubae, Traffic Engineer of Stantec, Inc. Mr. Dubae presented the Board with a draft of the Townwide Traffic Study he has just completed. The draft includes the study process, findings for existing conditions and future conditions and the next steps to be taken. Charts were included giving an intersection capacity analysis summary of thirty intersections. The analysis gives the description of the intersection, the rating of the intersection (A – F) and the projected ratings for 2011 and 2016. The charts also give the recommended response (suggested solutions). Mr. Dubae explained the draft, reviewing each section with the Board. He also responded to the questions asked by the public.

Mr. Dubae completed his presentation stating this report has been prepared as a guide for the Town Board when considering proposed developments. He stated the deficient intersections are clearly identified and it will require coordination between the Town, Village, County and State to develop improvements. He suggested developers should also be guided by this study and should address these safety concerns when they make their plans.

Supervisor Bloomfield stated this study is exactly what the Board wanted. He said it will be a great tool for the Boards to use to improve the quality of life and the safety of the residents of the town. ( A complete copy of the draft is available to the public in the Town Clerk's Office.) The Supervisor and the Board, as well as Mr. Dubae answered questions from the public. They discussed the fact that there is much co-ordination that will have to be done, since State, County,

Town and Village roads are involved. Also the procedure to be used in the future with developers and their part in correcting traffic problems they may be creating. Also the possibilities of easements being created for future left and right turns.

Frank Fornario, Jr. who does not live in Goshen, but is a legislator and works in the County Building and substitutes at the various schools, stated he would like to commend the Board for this study. He said campaigning last year he, for the first time, had the Goshen experience of traffic. He said I am a representative of the legislature and a former member of the Blooming Grove Planning Board and Town Board. He said the Southern part of the County has a Traffic Committee, of which he is a member. He said the committee is made up of five neighboring towns that are examining their problems on a mutual basis. He asked if Goshen would be interested in joining other municipalities and offered his help in any way in the future.

**E. OLD BUSINESS:**

- a. Approval of Minutes: Joint Work Session & Board Meeting 11/20/06

Councilman Cappella made a Motion to accept the minutes of November 20, 2006, the Motion was seconded by Councilman Newbold. Councilman Lyons called for a correction on page 3, paragraph four. (The word not instead of no) Motion carried with correction unanimously.

**F. NEW BUSINESS:**

1. Resolution: Settling Orange County Landfill Litigation. Supervisor Bloomfield explained when the landfill was shut down and capped, the DEC did the work involved and paid the expenses involved, and now wants their money back. Therefore, all the municipalities who took trash to this landfill are being called upon to pay their part back to the DEC. The Supervisor explained the attorneys have been negotiating with the DEC to be sure our share was a fair one. An amount has been negotiated, but the Supervisor stated he cannot disclose the amount at this time, as the amount has not yet been finalized. After it is accepted, he will be able to share it with the public. Therefore, Supervisor Bloomfield made a Motion to go into Executive Session to discuss the settlement, with intent to return. The Motion was seconded by Councilman Lyons, Motion carried 5 to 0. Time: 8:40 p.m.

Supervisor Bloomfield called the meeting back to order at 8:53 p.m. Supervisor Bloomfield made a Motion to accept the settlement for the Orange County Landfill Litigation

## **RESOLUTION**

### **SETTLING ORANGE COUNTY LANDFILL LITIGATION**

**WHEREAS**, New York State alleges that the Municipalities in Orange County and certain private parties either arranged for, or transported municipal solid waste, commercial waste, and industrial waste to the Orange County Landfill in the Town of Goshen, Orange County, New York; and

**WHEREAS**, the Settling Defendants deny the State's allegations:

**WHEREAS**, pursuant to Environmental Conservation Law (ECL) § 27-1305, the Landfill is listed in the New York State Registry of Inactive Hazardous Waste Disposal Sites as No. 336007;

**WHEREAS**, the County and the New York State Department of Environmental Conservation (NYSDEC) entered into an Administrative Order on consent (Index No. W3-0603-92-06), requiring investigative, removal, remedial and response measures at the Site, which Responses Measures were undertaken; and

**WHEREAS**, NYSSDEC and the County entered into a State Assistance Contract (No. C300347), pursuant to the Environmental Quality Bond Act of 1986, whereby the State agreed to reimburse the County for 75% of the eligible costs for investigation, remedial design, construction of the remedial actions and construction oversight to be incurred by the County at the Site; and

**WHEREAS**, NYSDEC has made reimbursements to the County pursuant to such agreement in an amount in excess of \$122,000,000, and the State alleges that it has incurred other response costs, including interest and enforcement costs at the Site, and

**WHEREAS**, the State is commencing an action against the private potentially responsible parties for contribution and those private potentially responsible parties have indicated an intent to name the Orange County Municipalities as defendants in said law suit; and

**WHEREAS**, the Parties and the Municipalities have engaged in extensive settlement discussions to avoid the costs of litigation and have arrived at a proposed Consent Decree (Decree) which represents a good faith compromise of disputed claims that will avoid prolonged and complicated litigation between the Parties, and that the compromise reached is fair, reasonable, and in the public interest.

#### **NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Town Board of the Town of Goshen hereby approves the proposed settlement and, subject to approval of the Court as required under the terms of the settlement,

authorizes the payment of this municipality's allocation in accordance with the payment terms of the settlement.

2. The Municipal Attorney and the Supervisor are hereby authorized to effectuate the Settlement as required by law.

Motion by Supervisor Douglas Bloomfield  
Seconded by Councilman Kenneth Newbold  
On a vote of 5 ayes and 0 nays the Resolution was Adopted.  
Dated December 14, 2006

2. Resolution: Acceptance of Resignation of Full-Time Justice Clerk Melissa McCourtney as off December 8, 2006.

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

**RESOLUTION**  
**ACCEPTING RESIGNATION OF MELISSA MCCOURTNEY**  
**COURT CLERK, JUSTICE DEPARTMENT**

Introduced by: Councilman Newbold  
Seconded by: Councilman Cappella  
Date of Adoption: December 14, 2006

**WHEREAS**, the Town has been advised that Melissa McCourtney of the Town of Goshen Justice Department plans to resign from her full time position as of December 8, 2006.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Goshen Town Board hereby regretfully accepts the resignation of Melissa McCourtney and commends her for her service to the Town.

Upon Roll Call Vote:

Supervisor Bloomfield	AYE	Councilman Canterino	AYE
Councilman Cappella	AYE	Councilman Lyons	AYE
Councilman Newbold	AYE		

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

3. Resolution: Hire Kajornsak Rangssityothin as Full-Time Justice Clerk:

**Town of Goshen  
County of Orange, State of New York**

**RESOLUTION  
AUTHORIZING HIRING OF  
FULL TIME JUSTICE CLERK**

Introduced by: Councilman Canterino  
Seconded by: Councilman Lyons  
Date of Adoption: December 14, 2006

**WHEREAS**, the Town Board has been advised by the Town of Goshen Justice Court of the need to fill a full-time Justice Clerk position; and

**WHEREAS**, Justice Cione has recommended Kajornsak Ragnngssityothin for the position of full time Justice Clerk for the Town of Goshen Justice Court.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Goshen Town Baord hereby authorizes the hiring of Kajornsak Rangssityothin as full time Justice Clerk for the Town of Goshen Justice Court effective January 2, 2007 at a yearly salary of \$28,080.00.

Upon Roll Call Vote:

Supervisor Bloomfield	Aye	Councilman Newbold	Aye
Councilman Lyons	Aye	Councilman Canterino	Aye
Councilman Cappella	Aye		

Vote: Resolution Carried by a vote of 5 to 0

4. Resolution: Hire Melissa McCartney as Part-Time Clerk for the Justice Department starting December 12, 2006.

**Town of Goshen  
County of Orange, State of New York**

**RESOLUTION  
AUTHORIZING HIRING OF  
PART TIME CLERK FOR JUSTICE DEPARTMENT**

Introduced by: Councilman Kenneth Newbold  
Seconded by: Councilman Philip Canterino  
Date of Adoption: December 14, 2006

**WHEREAS**, the Town Board has been advised by the Town of Goshen Justice Court of the need to fill a part-time Clerk position for Justice Court; and

**WHEREAS**, Justice Cione has recommended Melissa McCartney for the position of part time Justice Clerk for the Town of Goshen Justice Court.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Goshen Town Board hereby authorizes the hiring of Melissa McCartney as part time clerk for the Town of Goshen Justice Court effective December 12, 2006 at an hourly rate of \$12.27.

Upon Roll Call Vote:

Supervisor Bloomfield	Aye	Councilman Newbold	Aye
Councilman Lyons	Aye	Councilman Canterino	Aye
Councilman Cappella	Aye		

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

5. Resolution: Hire Heather Lewis as Part-Time Clerk for the Justice Department starting December 18, 2006 at the hourly pay of \$12.27.

**Town of Goshen  
County of Orange, State of New York**

**RESOLUTION  
AUTHORIZING HAIRING OF  
PART TIME CLERK FOR JUSTICE DEPARTMENT**

Introduced by: Councilmember Philip Canterino  
Seconded by: Councilmember George Lyons  
Date of Adoption: December 14, 2006

**WHEREAS**, the Town Board has been advised by the Town of Goshen Justice Court of the need to fill a part-time Clerk position for Justice Court: and

**WHEREAS**, Justice Cione has recommended Heather Lewis for the position of part time Clerk for the Town of Goshen Justice Court,

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Goshen Town Board hereby authorizes the hiring of Heather Lewis as part-time Clerk for the Town of Goshen Justice Court effective December 18, 2006 at an hourly rate of \$12.27.

Upon Roll Call Vote:

Supervisor Bloomfield	AYE	Councilman Newbold	AYE
Councilman Lyons	AYE	Councilman Canterino	AYE
Councilman Cappella	AYE		

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

6. Resolution: Hire Susan Maysels as Full-Time Deputy Town Clerk

**Town of Goshen  
County of Orange, State of New York**

**RESOLUTION  
APPOINTING AND SETTING SALARY OF  
TWMPORARY DEPUTY TOWN CLERK AND  
PERMANENT DEPUTY TOWN CLERK**

**WHEREAS**, the full time Deputy Town Clerk of the Town of Goshen has tendered her resignation and will officially retire from her position at the end of the calendar year; and

**WHEREAS**, Susan Maysels has been appointed as Temporary Deputy Clerk effective November 20, 2006,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Clerk hereby appoints Susan Maysels as Temporary Deputy Town Clerk effective November 20, 2006 through December 31, 2006 at an annual salary of \$28,255.00 and full time employee benefits effective as of December 1, 2006. at an annual salary of \$28,255.00 and full time employee benefits effective as of December 1, 2006.

**IT IS FURTHER RESOLVED** that the Town hereby appoints Susan Maysels as permanent Deputy Town Clerk effective January 1, 2007 at an annual salary of \$29,385.00 pursuant to the 2007 adopted budget.

Upon Roll Call Vote:

Supervisor Bloomfield	AYE	Councilman Newbold	AYE
Councilman Lyons	AYE	Councilman Canterino	AYE
Councilman Cappella	AYE		

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

7. Resolution: Hire Linda Finnigan as Full-Time Data Entry & Control Clerk for the Building & Zoning Department.

**Town of Goshen  
County of Orange, State of New York**

**RESOLUTION  
APPOINTING LINDA FINNEGAN AS  
FULL TIME DATA ENTRY AND CONTROL CLERK POSITION  
FOR THE BUILDING AND ZONING DEPARTMENT**

Introduced by: Councilmember Kenneth Newbold  
Seconded by: Councilmember Philip Canterino  
Date of Adoption: December 14, 2006

**WHEREAS**, the 2007 budget includes the salary for a second full time office staff person in the Building and Zoning Department; and

**WHEREAS**, Neal Halloran recommends the Town Board appoint Linda Finnegan to the full time position of data entry and control clerk.

**NOW, THEREFORE, BE IT RESOLVED** that the Town hereby appoints Linda Finnegan as the full time data entry and control clerk for the Building and Zoning Department of the Town of Goshen effective January 2, 2007, at the annual salary of \$27,040.00.

Upon Roll Call Vote:

Supervisor Bloomfield	AYE	Councilman Newbold	AYE
Councilman Lyons	AYE	Councilman Canterino	AYE
Councilman Cappella	AYE		

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

8. Resolution: Amend Agreement with Planning Consultant Karen Schneller-McDonald

**Town of Goshen  
County of Orange, State of New York**

**RESOLUTION AMENDING  
APPOINTMENT OF PLANNING BOARD CONSULTANT**

Introduced by: Councilman Philip Canterino  
Seconded by: Councilman George Lyons  
Date of Adoption: December 14, 2006

**WHEREAS**, the Town Board of the Town of Goshen passed a resolution to approve the hiring of Karen Schneller-McDonald of Hickory Creek Consulting, LLC, as the Planning Board Environmental Consultant to assist the Planning Board in its SEQR review of applications; and

**WHEREAS**, the Town approved and retained Karen Schneller-McDonald as the Planning Board’s Environmental Consultant at an hourly rate of \$80.00 per hour plus expenses effective November 20, 2006; and

**WHEREAS**, it has come to the attention of the Board that rather than having other costs, such as mileage, tolls and other expenses charged in addition to the hourly rate, it is agreed that the hourly rate be set at \$85.00 per hour with no additional expenses.

**NOW, THEREFORE, BE IT RESOLVED** that the Town hereby modifies the retention of Karen Schneller-McDonald of Hickory Creed Consulting, LLC, as the Planning Board’s Environmental Consultant to be at an hourly rate of \$85.00 per hour with no additional expenses, effective December 14, 2006.

Upon roll Call Vote:

Supervisor Bloomfield	AYE	Councilman Newbold	AYE
Councilman Lyons	AYE	Councilman Canterino	AYE
Councilman Cappella	AYE		

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

9. Resolution: Authorizing Michele Radakovits to attend the 19A Certified Examiner Course

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

**RESOLUTION AUTHORIZING MICHELE RADAKOVITS**  
**OF THE HIGHWAY DEPARTMENT**  
**TO ATTEND 19A CERTIFIED EXAMINER COURSE**

Introduced by: Councilman George Lyons  
Seconded by: Councilman Louis Cappella  
Date of Adoption: December 14, 2006

**WHEREAS**, the Highway Superintendent has requested permission for Michele Radakovits to take training offered as a 19A Certified Examiner Course, which once completed and additional testing by Motor Vehicle, she would be able to administer the yearly tests to Dial-A-Bus drivers; and

**WHEREAS**, the cost of the program is \$399.00, which will be reimbursed to the Town from the New York State Department of Transportation.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town board hereby authorizes Michele Radakovits of the Highway Department to attend the training offered as a 19A Certified Examiner Course at a cost of \$399.00, to be reimbursed to the Town from the New York State Department of Transportation.

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

Councilman Cappella stated Michele is secretary to the Highway Department and dispatches and some times drives for the Dial-A-Bus. He reported she does a great job and when she comes back from taking the course, she will not only be certified, but she will also be certified to train the other drivers. Therefore, the Town will be saving the money it would cost to train the other three drivers. Supervisor Bloomfield also commended Michele for the terrific job she has been doing.

10. Resolution: Supporting the Proposal for the Port Authority of New York and New Jersey to assume operation of Stewart International Airport.

**Town of Goshen  
County of Orange, State of New York**

**RESOLUTION  
SUPPORTING THE PROPOSAL FOR THE PORT AUTHORITY  
OF NEW YORK AND NEW JERSEY TO ASSUME OPERATION OF  
STEWART INTERNATIONAL AIRPORT**

Introduced by: Councilman Philip Canterino  
Seconded by: Councilmember Lyons  
Date of Adoption: December 14, 2006

**WHEREAS**, Stewart International Airport is not only the economic engine of Orange County, but the economic engine of the entire Mid-Hudson Valley region; and

**WHEREAS**, over recent months significant progress has been made laying the foundation for Stewart to truly take off as a major player in commercial aviation, including recent announcements that Jet Blue and Air Tran are servicing Stewart, offering direct flights to many destinations; and

**WHEREAS**, more destinations are making it easier and more attractive to do business in Orange County by improving our accessibility for business travelers and residents traveling to and from Orange County for pleasure and tourism related activities; and

**WHEREAS**, Stewart is the home to a U.S. Foreign Trade Zone Substation, a new Federal Inspection Station and a U.S. Customs center located on site at the airport; and

**WHEREAS**, the Drury Lane Interchange project will soon be completed providing direct access from I84 and the New York State Thruway, complimenting our great infrastructure of three interstate highways, a strong rail-system and an open-seaport along the Hudson: and

**WHEREAS**, the Port Authority is presently discussing the potential acquisition of Stewart International Airport; and

**WHEREAS**, a strong showing of support by the local municipalities in Orange County will demonstrate that our community believes a bright future for Stewart is possible under the Port Authority's auspices.

**NOW, THEREFORE, IT IS HEREBY RESOLVED:**

1. That the Port Authority of New York and New Jersey clearly has unparalleled experience in successfully operating a major airport;
2. That the Town council of the Town of Goshen endorses and supports County Executive Edward Diana's proposal that the Port Authority of New York and New Jersey assume operation of Stewart International Airport.

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

11. Resolution: 2006 Misc. Year-End Budget Transfers:

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

**RESOLUTION**  
**2006 MISC. YEAR END BUDGET TRANSFERS**

Introduced by: Councilman Cappella  
Seconded by: Councilman Lyons  
Date of Adoption: December 12, 2006

**WHEREAS** a request for miscellaneous year-end budget transfers has been requested by Bill Standish, Budget Officer of the Town of Goshen; and

**NOW, THEREFORE, BE IT RESOLVED:**

That the Town Board has determined that it is in the best interest of the Town to make the year-end budget transfers as outlined in the attached Memorandum dated December 11, 2006, from Bill Standish, Budget Officer for the Town of Goshen and made part of this resolution.

On a vote to 5 to 0, the Supervisor declared the resolution adopted.

**G. FINANCE:** Councilman Canterino made the Motion to authorize the Supervisor to pay Voucher #2006-2789 to Voucher #2006-3040 amounting to \$599,665.83. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

**H. PRIVILEGE OF THE FLOOR:**

Someone asked the Board to explain the Finance Motion. Supervisor Bloomfield explained the voucher system that is used to pay the Town's bills and the fact that they are examined and approved by the Board Members before they are paid. He asked if they were available for the public to see and Supervisor Bloomfield replied yes.

Dan Matteo expressed concern, on the part of Hambletonian Park and Arcadia Hills, for the new Village Water/Sewer facility being built. He asked if there will be an informational meeting for the public? Supervisor Bloomfield reported the Board's attempts to form an intermunicipal agreement with the Village failed and there has been no communication from the Village in regard to the cost to Hambletonian Park and Arcadia Hills or anyone else. Supervisor Bloomfield said his plan is when the Village is ready to communicate with the Town, he will ask the Village to come to Town Hall and have a Public Hearing to explain to the Town's people what was done and the costs involved. Supervisor Bloomfield will again contact the Village and ask what their plans are on communicating with the Town's people.

A gentleman stated the high cost of housing and the continued rise in taxes is making it impossible for people to purchase here in Goshen. Supervisor Bloomfield expressed his concern for these high costs, but assured him this Board is doing every thing possible to cut the Town taxes.

With no further comment from the public, Councilman Cappella made a Motion to go into Executive Session to discuss possible pending litigation. The Motion was seconded by Councilman Lyons. Motion carried unanimously.

**I. ADJOURNMENT:** Time: 9:30 p.m.

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Valma Eisma, Town Clerk

