

A Regular Meeting of the Town Board of the Town of Goshen was held on the 28th day of September, 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:

George Lyons	Deputy Supervisor	Louis Cappella	Councilman
Kenneth Newbold	Councilman	Philip Canterino	Councilman

Absent: Supervisor Douglas Bloomfield

Also Present: Howard Protter, Town Attorney

A. CALL TO ORDER: Deputy Supervisor called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

B. AMENDMENT TO THE AGENDA: None

C. PRIVILEGE TO THE FLOOR (agenda items only)

D. REPORTS:

Councilman Canterino reported: Joint Recreation would like to put the reservations for Craigville Park on line. He stated there are a lot of reservations done in a year and this would make it easier. The Commission had received a copy of a contract allowing an outside company that would monitor the rentals and put them on line. Councilman Canterino asked the attorney if he had reviewed the contract. Attorney Cappello said he had given it to Howard Protter to review and he would follow up on it and get back to Councilman Canterino. He said some changes will be taking place personnel wise in the near future, which will be addressed later on in the meeting.

Councilman Newbold reported things are quiet with the Humane Society having no monthly meeting, eleven months in a row. However, the Planning Board is as busy as usual with the many new developments. He reported Supervisor Bloomfield has asked him to oversee the opening of the Salesian Park.

Councilman Cappella reported Highway has received an eighty five thousand dollar grant from Senator Larkin for Coleman Road and he would like to thank Senator Larkin for his help. Highway is busy repairing some of the roads located in the black dirt area. He expressed concern regarding to the Dial-A-Buses which have been breaking down. He wanted to ask the public to be patient as the problem is being addressed on a County and State level to hopefully obtain a new bus or two.

Deputy Supervisor Lyons reported the Police have received a couple of new cars and will receive the third one in October. They also received some other equipment, another computer, and some video surveillance equipment. These are all from the Byrne Grant. The Police Department is completely compliant with the NIMs. That is the National

Incident Command Structure program. There is a reappointment for a part time officer, Harry Owens on tonight's agenda and Cecil Thomas is now in training and he will soon be finished training with one of our officers and should be in service by Thanksgiving. Deputy Supervisor Lyons also reported an incident where three of our officers saved a man's life. On September 10th a call came into the station stating a thirty two year old woman was missing from her residence. Sergeant Imperio set up a Command post and immediately contacted the mutual aid assistance from nearby Police Departments, local fire services and requested a helicopter from the Rockland County Sheriffs Department. Officer James Boyd contacted the woman's cell phone provider and requested the location of the cell phone. The company was able to inform the officers of the area of where the phone was last used. The woman was found unconscious under a foundation, barely alive. Deputy Supervisor Lyons said these officers, Mat Imperio, James Boyd and Michael Imperio should be proud of their actions as he and the Chief are proud of them.

A Motion was made by Councilman Newbold to close the Regular Meeting. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

E. PUBLIC HEARINGS:

1. PROPOSED TRANSFER OF NORTHERN RECYCLING FACILITIES FROM WASTE MANAGEMENT OF NY, LCC TO INTERSTATE WASTE SERVICES.

Councilman Canterino made a Motion to open the Public Hearing for the proposed transfer of Northern Recycling Facilities from Waste Management of NY, LCC to Interstate Waste Services. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0. The Public Hearing was opened 7:45 p.m. Deputy Supervisor Lyons read the Notice of Hearing, announcing it had been published in the Independent Republican and the Times Herald Record and invited the applicants and their representative to speak. Mr. Larry Schillinger, Attorney representing the applicant spoke saying they have provided all the Board has requested in their application and have included two letters from two Village Mayors who host their operations elsewhere that are very positive. He stated everything is as it should be and he would request the Board take action. He introduced the other members of his group: Rod Benson, Vice President for Interstate, Jay Kaplin Environmental Manager, of Waste Management, Chris Dolsey, Facility Operator, who are all here to answer questions.

Deputy Supervisor asked for public comments, no response. He read two letters from people unable to attend that had asked to have them read into the minutes.

Holly O'Hern
CWC Director

2 Summit View Drive
Goshen, NY 10924

Town of Goshen
Supervisor Bloomfield and Town Board Members

RE: Public Hearing regarding the transfer from Northern recycling to IWS Transfer Systems of New York Inc.

Dear Supervisor Bloomberg and Town Board Members,

I would like this letter submitted into the public record concerning the transfer of permit/ownership of Northern Recycling to IWS Transfer Systems of NY Inc.

Under the new York State Home Rule, all towns have the authority to ban waste facilities or to deny a local permit to any facility linked to an untrustworthy record of environmental compliance or business dealings.

Has the Town of Goshen asked local authorities (FBI, DEC, Town of Goshen Police Dept.) to perform a background check on Integrated Waste Systems and its owners? Has the Town of Goshen asked the Town of Westchester, County of Orange, etc. if they have any complaints regarding the service IWS provides to their Township?

The issue of fitness became a concern as the town of Goshen dealt with the owners of the Al Turi landfill. Under home rule, your board does play a key role in whether this permit is approved or denied. As with any applicant, these are valid concerns and we look forward to hearing from you regarding them.

Thank you for your consideration in this important matter before you.

Sincerely,

Holly O'Hern

Town of Goshen Council

Dear Goshen Town Supervisor and Council Members,

I was planning on attending the public hearing for the Town of Solid Waste permit application request for the "new" applicant looking to run the Northern Recycling Facility on Hartley Rd ... Aka... Waste Managements Transfer Facility.

I feel very strongly about concerns with what appears to be past history and problems that have surrounded this Facility. I do not want to see history repeat itself. I was hoping to

express these concerns in person. Due to schedule conflict, I will be unable to attend the public hearing tonight.

I am asking the Board to please extend the public hearing date for receiving written comments for a minimum of 2 weeks, so it can afford myself and others the chance to submit a thorough written comment on this application that is before you.

I greatly appreciate your consideration in this matter.

Sincerely,

Susan Cleaver.

The Attorney addressed the letters saying that the Board had asked the applicant to provide everything required and investigations were done into the background of the applicants, etc. All investigations have come back clean and with no concerns. After discussing everything that has been done and the length of time and the amount of advertising that was done to announce the Public Hearing on the part of the applicant and the Town Board, the Board felt it has given the public adequate time and opportunity to appear and let their feelings be known. Tonnage, host benefits and possible tipping fees were discussed. At this time there is no host benefits, however, the applicant would be glad to discuss this at a later date.

Councilman Newbold asked, that in view of the past history of this facility and the letters from Ms. O'Hern and Ms. Cleaver, the Board ask our Police Department to do a background check of its own and extend the comment period for two weeks. Councilman Newbold said he had no problem with the application. Mr. Schillinger stated right from the beginning the applicant had stressed giving the public adequate notice as time was of the essence, as there is, and was always, a deadline to be met. He said they are scheduled to close the transaction tomorrow. After an extended discussion Councilman Newbold made a Motion to close the Public Hearing. The Motion was seconded by Councilman Canterino. Motion Carried 4 to 0.

Councilman Cappella made a Motion to open the Public Hearing on Stop Intersections. The Motion was seconded by Councilman Canterino. Motion carried 4 to 0.

Deputy Supervisor Lyons opened the Public Hearing on Stop Intersections at 8:15 p.m. and read the public notice which was published in the Times Herald Record and the Independent Republican. He explained a letter that the Board received about a fatality that occurred at one of the intersections is what caused the Board to look into the situation. Thus after the Highway Superintendent, Police Chief and various Councilmen visited the site the proposed law was created.

Nick Gallo, a thirty five year resident of the Arcadia Hills development, said the fatality was about thirty years ago, a little girl who came out between to two parked cars. "Nothing to do with stop signs". He said there is no reason to put in stop signs, they will

not be maintained, the police will not be there to see people going through the stop signs, the kids will still be speeding down through them at two o'clock in the morning, "I do not see the point." He said he has been driving through the development for thirty five years and have never come close to hitting anyone nor has anyone hit him. Mr. Gallo asked about the little statues that people are putting out in the street. The Board was not aware of these and it seems the parents are putting them out to slow cars as the children are playing in the street. Mr. Gallo also asked if it was legal to have a basketball court in the middle of the street. Mrs. Gallo stated there are only two people here tonight and it seems there are other things that should be addressed, such as the children playing in the street. Keith Roddy asked if this all came about from one letter. After a lengthy discussion Councilman Louis Cappella made the Motion to adjourn the Public Hearing. The Motion was seconded by Councilman Philip Canterino. Motion carried 4 to 0.

Deputy Supervisor Lyons reopened the Regular Meeting at 8:35 p.m.

NOTICE OF ADOPTION: Northern Recycling Facilities from Waste Management of NY, LCC to Interstate Waste Services.

The following was introduced by Councilman Newbold, seconded by Councilman Cappella.

Whereby the Town Board has an application submitted by Interstate Waste Services Dated August 30, 2006, revised September 14, 2006. The Town Board has fully reviewed the application packet, together with the letter from the New York State DEC, dated September 28, 2006, that was read into the record earlier. That this matter constitutes a type two action under Section 617-5 of the New York State Environmental Quality Review Act and 617.5, Sub Section 26 since it is merely a transfer of ownership, with no material change in the permit conditions or scope of permit activities.

That based upon above, the Town of Goshen hereby gives its notice of intent to transfer a Town Law Section 80B permit from Waste Management to Interstate Waste Services, conditioned upon compliance with New York State DEC letter of September 28, 2006 and evidence that the transfer has occurred as required by the New York State DEC Permit, upon receipt of a combination of that the Town will issue the transfer permit.

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

STOP INTERSECTIONS

Deputy Supervisor Lyons read the Resolution of Adoption for Stop Intersections. Councilman Cappella made a Motion to Adopt the Resolution. The Motion was seconded by Councilman Canterino. Discussion: Councilman Cappella suggested this be tabled until the next work session to give the Highway Superintendent and the Police Chief and the Board time to take another look at the need and the other concerns the Gallos have expressed this evening. The Board agreed and it will be tabled until the next work session.

F. OLD BUSINESS:

1. RESOLUTION TO REHIRE HARRY C. OWEN AS PART TIME POLICE OFFICER:

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

**RESOLUTION
AUTHORIZING HIRING OF
PART TIME POLICE OFFICER**

Introduced by: Councilman Louis Cappella
Seconded by: Councilman Philip Canterino
Date of Adoption: September 28, 2006

WHEREAS, the Town Board has been advised by Police Chief Marsh of the need to fill a part-time Police Officer position; and

WHEREAS, Police Chief Marsh has recommended Harry C. Owern for the position of part time Police Officer for the Town of Goshen.

NOW, THEREFORE, BE IT RESOLVED that the Town of Goshen Town Board hereby authorizes the hiring of Harry C. Owen as part time police officer for the Town of Goshen Police Department effective October 1, 2006.

Upon Roll Call Vote:

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

Vote: Resolution carried by a vote of 3 to 1.

2. CONSENT TO LAYING OUT HIGHWAY

TOWN OF GOSHEN
COUNTY OF ORANGE: STATE OF NEW YORK

In the Matter of the Laying Out of Northgate
Extension as a Public Highway in the Town of
Goshen, Orange County, New York
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CONSENT TO
LAYING OUT
HIGHWAY

At a regular meeting of the Town Board of the Town of Goshen held on September 28, 2006, at 41 Webster Avenue, Goshen, New York, upon motion of Councilperson Louis Cappella, seconded by Councilperson Philip Canterino and the matter being put to a vote, the following resolution was duly adopted.

Upon review of the proposed order, which is attached hereto and made part of this resolution, and of the lands therein described to be released the same to the Town of Goshen, and its Highway Superintendent for highway purposes;

NOW, THEREFORE, BE IT RESOLVED, that consent be and the same hereby is given to the Town superintendent of Highways of the Town of Goshen to make an Order Laying Out the lands to be released for highway purposes in accordance with the provisions of the Highway Law and other statutes applicable thereto, and be it further

RESOLVED, that the Town of Goshen accepts ownership of or rights to the associated drainage improvements and easements, if any, as may be more specifically set forth therein.

Dated: September 28, 2006.

TOWN BOARD OF THE TOWN OF GOSHEN
ORANGE COUNTY, NEW YORK

VOTING

	AYE	NAY	ABS
SUPERVISOR BLOOMFIELD	ABSENT		
DEPUTY SUPERVISOR LYONS	AYE		
COUNCILPERSON NEWBOLD	AYE		
COUNCILPERSON CAPPELLA	AYE		
COUNCILPERSON CANTERINO	AYE		

Vote: Resolution carried by a vote of 4 to 0

3. ORDER LAYING OUT HIGHWAY

TOWN OF GOSHEN
COUNTY OF ORANGE, STATE OF NEW YORK

In the Matter of the Laying Out of Northgate Extension as a
Public Highway in the Town of Goshen, Orange County, New
York

**ORDER
LAYING OUT
HIGHWAY**

PRESENT: Hon. Stephen P. Andryshak, Highway Superintendent

Pursuant to the authority of Highway Law §171(2) regarding the laying out of certain lands herein below described for highway purposes in the Town of Goshen, and there having been filed with the undersigned the written consent of the Town Board of the Town of Goshen, being attached hereto, together with the releases of owners of land taken or affected hereby,

NOW, THEREFORE, I, as superintendent of Highways of the Town of Goshen, Orange County, New York, do hereby

ORDER, that the lands hereinafter described be, and the same, hereby are laid out and accepted as public highway of the Town of Goshen, Orange county, New York:

ALL THAT CERTAIN IECE OR PARCEL OF LAND situate in the Town of Goshen, County of orange, State of New York, and being more accurately bounded and described in Schedule A annexed hereto, which said highway shall be known as "Northgate Extension:.. Dated in the Town of Goshen, Orange County, New York, this 28th day of September 2006.

STEPHEN P. ANDRYSHAK, HIGHWAY SUPERINTENDENT
TOWN OF GOSHEN, ORANGE COUNTY, NEW YORK

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION
AUTHORIZING RELEASE OF
GLEN POINTE SUBDIVISION
PERFORMANCE BOND IN EXCHANGE
FOR MAINTENANCE BOND

Introduced by: Councilman Kenneth Newbold
Seconded by: Councilman Louis Cappella
Date of Adoption: September 28, 2006

WHEREAS, the engineer for the Town and the Highway Superintendent have inspected the work of the above referenced road for Performance Bond release purposes and have certified that the subject rod is in compliance with the Town's Road Standards; and

WHEREAS, the Planning Board and the engineer for the Town have determined that in exchange for the release of the Performance Bond, the required \$25,000.00 Maintenance Bond (10% of the established \$250,000.00 Performance Bond) pursuant to Town Coder 83-11D, will be posted together with the associated deed, sufficient to convey title, free of all liens and encumbrances and recording forms to be provided for the road dedication/acceptance requirements.

NOW, THEREFORE, BE IT RESOLVED THAT:

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1. pursuant to said inspection, the remaining Performance Bond amount of \$170,000.00 can now be considered by the Town Board for release to the developer of the Glenpointe Estates Subdivision in exchange for a Maintenance Bond in the amount of \$25,000.00 to secure the maintenance and upkeep of the road for a period of one (1) year: subject to notification from the Town Attorney that all of the appropriate documents to accomplish this transfer are in proper form.

Upon roll Call Vote:

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

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

G. NEW BUSINESS:

1. Resolution: Permission for Building Inspector and Susan Cleaver to Attend Class on Wetlands Identification

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

**RESOLUTION AUTHORIZING THE BUILDING INSPECTOR
AND SUSAN CLEAVER TO ATTEND CLASS ON
WETLANDS IDENTIFICATION**

Introduced by: Councilperson Louis Cappella

Seconded by: Kenneth Newbold

Date of Adoption: September 28, 2006

WHEREAS, the Building Inspector has requested permission for himself and Susan Cleaver to attend the Introduction to Wetlands delineation one-day class at Cook College of Rutgers University on October 12, 2006 from 9:00 a.m. to 4:30 p.m. in Basking Ridge, New Jersey at a cost of \$275.00 per person; and

WHEREAS, the Town Board has determined it is in the best interest of the Town that the Building Inspector and Susan Cleaver attend the seminar.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Building Inspector, Neal Halloran and Susan Cleaver to attend the Introduction to Wetlands delineation one-day class at Cook College of Rutgers University on October 12, 2006 from 9:00 a.m. to 4:30 p.m. in Basking Ridge, New Jersey at a cost of \$275.00 per person.

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

2. RESOLUTION: MEETING CHANGES: OCTOBER 9TH MEETING AND OCTOBER 12TH MEETING

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION
AUTHORIZING OCTOBER MEETING CHANGES

Introduced by: Councilman Philip Canterino
Seconded by: Councilman Kenneth Newbold
Date of Adoption: September 28, 2006

WHEREAS, the Town of Goshen Town Board desires to change the Monday, October 9th meeting to October 10th, due to the Columbus day holiday and to change the start time of the October 12th meeting to 8:00 p.m.

NOW, THEREFORE, BE IT RESOLVED that the Town of Goshen Town Board hereby authorizes the change to the October meeting schedule as follow:

From Monday, October 9, 2006 to Tuesday, October 10, 2006 at 7:30 p.m.
From October 12, 2006 at 7:30 p.m. to October 12, 2006 at 8:00 p.m.

BE IT FURTHER RESOLVED that the Town Clerk is directed to notify the media of such changes and post notifications of such changes on the Town's Bulletin Board in Town Hall.

Upon Roll Call Vote:

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

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

3. RESOLUTION: AUTHORIZING THE APPOINTMENT OF ISABEL KLEIN TO THE POSITION OF COURT CLERK

TOWN OF GOSHEN
County of Orange, State of New York

RESOLUTION
AUTHORIZING THE HIRING OF
ISABEL KLEIN AS
TOWN OF GOSHEN COURT CLERK

Introduced by: Councilman Philip Canterino
Seconded by: Councilman George Lyons
Date of Adoption: September 28, 2006

WHEREAS, the Town of Goshen town Board has been advised by Town Justices Cione and Van Haaster that there is an opening for a Court Clerk; and

WHEREAS, the Town Board has determined that it is in the best interest of the Town to fill said position at this time.

NOW, THEREFORE, BE IT RESOLVED that the Town of Goshen Town Board hereby authorizes the hiring of Isabel Klein as Court Clerk for the Town of Goshen Justice Court to begin on October 16, 2006, at a yearly salary of \$35,000.

Upon Roll Call Vote:

Supervisor Bloomfield	ABSENT	Deputy Supervisor Lyons	AYE
Councilperson Cappella	AYE	Councilperson Newbold	AYE
Councilperson Canterino	AYE		

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

4. AUTHORIZE TOWN CLERK TO TRAIN NEW DEPUTY TOWN CLERK AT ENTRY LEVEL SALARY FOR APPROXIMATELY TWO WEEKS

Councilman Canterino made the Motion to authorize the Town Clerk to train the New Deputy, Susan Maysels, for approximately two weeks or as needed at entry level salary. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

H. FINANCE:

Councilman Canterino made a Motion to authorize the Supervisor to pay Voucher #2006-2061 to Voucher #2006-2163 amounting to \$141,173.64. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

I. PRIVILEGE OF THE FLOOR: No response

J. ADJOURNMENT: Deputy Supervisor Lyons made a Motion to go into Executive Session to discuss possible pending litigation. The Motion was seconded by Councilman Cappella. Motion carried 4 to 0.

Time: 9:10 p.m.

Valma Eisma, Town Clerk