

RESOLUTION

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 _____ Trustees voting in favor and _____ Trustees voting against the foregoing Resolution was duly adopted.