

Village Board Meeting
September 11, 2017

Members present: Mayor Roddey, Trustees Gurda, Nuzzolese, and Smith

Member absent: Trustee Char

Also present: Attorney Donovan, Chief Watt, and Village Clerk Strobl

Mayor Roddey called the Meeting to order at 7:00 p.m. and led those present in the Pledge of Allegiance, and a Moment of Silence to honor the memory of the victims of the September 11, 2001 attacks.

On a motion by Trustee Gurda, seconded by Trustee Nuzzolese, the Agenda was accepted with the following addition: Communications #4: Assembly Permit Request from Orange County Activist Alliance.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

Public Hearings

Mayor Roddey read the following:

NOTICE IS HEREBY GIVEN, that the Board of Trustees of the Village of Goshen, New York, will hold a Public Hearing at Village Hall, 276 Main Street, Goshen, New York, on September 11, 2017, at 7:00 p.m. or as soon after as may be heard, to consider the adoption of a proposed Local Law amending Section 42-5 of the Code of the Village of Goshen entitled "Permit Required for Excavation or Disturbance of any Village Street, Highway, etc."

The Village of Goshen will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or accommodations should contact the Village Clerk.

On a motion by Trustee Smith, seconded by Trustee Gurda, the Public Hearing on Local Law #1 of 2017 was opened at 7:02 p.m.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

There was no public comment.

On a motion by Trustee Gurda, seconded by Trustee Smith, the Public Hearing was closed at 7:03 p.m.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

Mayor Roddey read the following:

NOTICE IS HEREBY GIVEN, that the Board of Trustees of the Village of Goshen, New York, will hold a Public Hearing at Village Hall, 276 Main Street, Goshen, New York, on September 11, 2017, at 7:00 p.m. or as soon after as may be heard, to consider the adoption of a proposed Local Law amending Article IV of Chapter 42 of the Code of the Village of Goshen entitled "Excavations".

The Village of Goshen will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or accommodations should contact the Village Clerk.

On a motion by Trustee Nuzzolese, seconded by Trustee Gurda, the Public Hearing on Local Law #2 of 2017 was opened at 7:04 p.m.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

There was no public comment.

On a motion by Trustee Gurda, seconded by Trustee Nuzzolese, the Public Hearing on Local Law #2 of 2017 was closed at 7:04 p.m.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

Mayor Roddey read the following:

NOTICE IS HEREBY GIVEN, that the Board of Trustees of the Village of Goshen, New York, will hold a Public Hearing at Village Hall, 276 Main Street, Goshen, New York, on September 11, 2017, at 7:00 p.m. or as soon after as may be heard, to consider the adoption of proposed Local Law #3 of 2017: A Local Law to amend Section 58-202 entitled "Penalty for Failure to Allow Access to Premises to Install a New Water Meter."

The Village of Goshen will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or accommodations should contact the Village Clerk.

On a motion by Trustee Nuzzolese, seconded by Trustee Gurda, the Public Hearing on Local Law #3 of 2017 was opened at 7:05 p.m.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

There was no public comment.

On a motion by Trustee Gurda, seconded by Trustee Nuzzolese, the Public Hearing was closed at 7:05 p.m.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

On a motion by Trustee Gurda, seconded by Trustee Nuzzolese, the Minutes of the August 28, 2017 Village Board Meeting were accepted as submitted.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

Communications

The Board reviewed a preliminary Engineering design fee budget for the Prospect Reservoir Water Filtration Plant Replacement project, submitted by James M. Farr, P.E.

The proposal includes a budget of \$90,000 for preparation of the preliminary engineering tasks, and \$10,000 for surveying costs by a sub-consultant.

On a motion by Trustee Gurda, seconded by Trustee Smith, the proposal for the Engineering design fee budget for the Prospect Reservoir Water Filtration Plant Replacement project was approved, at a cost not to exceed \$100,000.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

Mayor Roddey read the following letter from Steve Jones, President of the Goshen Historic Track, Inc.:

On behalf of the Board of Directors and staff of Goshen Historic Track, we would like to express our deepest gratitude to you for recognizing the fire company. We all know that they are hardworking, dedicated and brave and we experienced this first hand when they showed up to battle the blaze on August 23rd. It was because of these selfless firefighters that more than 30 horses were saved and there was no loss of life. We will forever be grateful to them and we sincerely thank you for honoring them.

Although there was total devastation to the blacksmith shop and one of the historic stables, this National Historic Landmark is resilient, and the horses were back to business as usual, training on the track the following morning. Before demolition began, work crews were able to salvage some mementos.

Thank you again for all you did for the track and for honoring the fire company. Their heroic efforts have not gone unnoticed.

The Board reviewed a request to hold the annual McNally Street/Crescent Drive block party on September 17, 2017, and to block off the usual section of the neighborhood.

On a motion by Trustee Smith, seconded by Trustee Nuzzolese, the request was approved.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

The Board also reviewed a request for an assembly permit for a “Get Out The Vote” march on September 17th. Chief Watt noted that he was waiting for a call back from the organizer prior to issuing the permit.

On a motion by Trustee Gurda, seconded by Trustee Nuzzolese, permission for the event was granted to the Orange County Activist Alliance, pending the receipt of further information.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

Trustee Nuzzolese moved the following, which was seconded by Trustee Gurda:

The Village Board of the Village of Goshen hereby authorizes the Advertisement for Bids for the “Prospect Reservoir Water Storage Tank #2”, and sets the bid opening for Friday, November 3, 2017, at 2:00 p.m., at Village Hall, 276 Main Street, Goshen NY.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

On a motion by Trustee Gurda, seconded by Trustee Nuzzolese, Timothy J. Cox, having successfully completed the Wastewater Certification Examination for 2A Wastewater license, is hereby promoted to the position of Water/Sewer 2. In accordance with the current agreement between the Village of Goshen and the CSEA, Timothy J. Cox will be placed on Step Seven of the pay scale for Water/Sewer 2, with an annual salary of \$57,855.

This appointment shall become effective immediately.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

On a motion by Trustee Nuzzolese, seconded by Trustee Gurda, Manuel Orellana is hereby authorized to attend the NY Rural Water Association Water/Wastewater Laboratory Training Session, at the Ramada Inn in Fishkill NY, on September 14, 2017. The total cost of this training is \$100.00, and attendees will receive the mandated 5 hours of Laboratory training required by the NYS DOH for operator recertification.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

On a motion by Trustee Smith, seconded by Trustee Nuzzolese, Robert Kozlowski is hereby appointed full time Police Officer for the Village of Goshen Police Department at an annual salary of \$64,606.00. This appointment is contingent upon satisfactory completion of the medical physical, pre-employment paper work, and psychological testing; and includes a maximum probationary period of 18 months.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

On a motion by Trustee Gurda, seconded by Trustee Smith, the Village Board of the Village of Goshen, as lead agency, hereby issues a negative declaration pursuant to the applicable provisions of the State Environmental Quality Review Act, set forth at 6NYCRR Part 617 *et seq.*, in the action: adoption of Local Law #1 of 2017.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

On a motion by Trustee Nuzzolese, seconded by Trustee Smith, the Board of Trustees of the Village of Goshen hereby adopts Local Law #1 of 2017, a Local Law amending Section 42-5 of the Code of the Village of Goshen entitled "Permit Required for Excavation or Disturbance of any Village Street, Highway, etc."

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

On a motion by Trustee Gurda, seconded by Trustee Smith, the Village Board of the Village of Goshen, as lead agency, hereby issues a negative declaration pursuant to the applicable provisions of the State Environmental Quality Review Act, set forth at 6NYCRR Part 617 *et seq.*, in the action: adoption of Local Law #2 of 2017.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

On a motion by Trustee Smith, seconded by Trustee Gurda, the Board of Trustees of the Village of Goshen hereby adopts Local Law #2 of 2017, a Local Law amending Article IV of Chapter 42 of the Code of the Village of Goshen entitled "Excavations".

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

On a motion by Trustee Gurda, seconded by Trustee Smith, the Village Board of the Village of Goshen, as lead agency, hereby issues a negative declaration pursuant to the applicable provisions of the State Environmental Quality Review Act, set forth at 6NYCRR Part 617 *et seq.*, in the action: adoption of Local Law #3 of 2017.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

On a motion by Trustee Gurda, seconded by Trustee Smith, the Board of Trustees of the Village of Goshen hereby adopts Local Law #3 of 2017, a Local Law amending Section 58-202 entitled "Penalty for Failure to Allow Access to Premises to Install a New Water Meter".

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

On a motion by Trustee Nuzzolese, seconded by Trustee Gurda, the Board voted to enter into an Attorney/Client Session, at 7:15 p.m., to discuss a Water/Sewer Agreement with Merlin Entertainments Group.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

On a motion by Trustee Gurda, seconded by Trustee Smith, the Attorney/Client Session concluded at 7:20 p.m.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

The following was moved by Trustee Smith, and seconded by Trustee Gurda:

WHEREAS, Merlin Entertainments Group US Holdings Inc. (hereinafter "Merlin") has heretofore made application to the Town of Goshen for site plan, subdivision and special permit approvals for a commercial recreational theme park and destination located in the Town of Goshen, County of Orange, State of New York on approximately 150 acres of a 521.95 acre site consisting of 15 total parcels for a project to be known as "LEGOLAND"; and

WHEREAS, the Town of Goshen Planning Board has been designated as the Lead Agency pursuant to the *State Environmental Quality Review Act* (“SEQRA”) and has heretofore conducted the necessary environmental review as required pursuant to Article VIII of the New York *Environmental Conservation Law* and the implementing regulations of 6 NYCRR Part 617 et. seq.; and

WHEREAS, the Village of Goshen, has, pursuant to a resolution duly adopted on August 8, 2016, agreed to provide both municipal water and sewer service to the LEGOLAND project; and

WHEREAS, the Village of Goshen is thus an involved agency, as that term is defined in the implementing regulations of 6 NYCRR Part 617 et. seq., for SEQRA review purposes; and

WHEREAS, the Town of Goshen Planning Board, as Lead Agency, did adopt, on August 18, 2017 a Lead Agency SEQRA Findings Statement, a copy of which is annexed hereto and made part hereof; and

WHEREAS, the Village of Goshen has received and reviewed said Findings Statement and hereby determines that it is appropriate and proper to adopt the terms, conditions, provisions and determinations made in and by said Findings Statement;

NOW, THEREFORE, it is

RESOLVED, that the Village of Goshen hereby adopts the terms, conditions, provisions and determinations made in and by said SEQRA Findings Statement duly adopted by the Town of Goshen Planning Board on August 18, 2017.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye

The following was moved by Trustee Nuzzolese, and seconded by Trustee Gurda:

WHEREAS, pursuant to a Resolution duly adopted by the Village Board of the Village of Goshen on August 8, 2016, the Village of Goshen did heretofore agree to provide municipal water and sewer service to Merlin Entertainments Group US Holdings Inc. (hereinafter referred to “Merlin”) in connection with a certain project located in the Town of Goshen known as “LEGOLAND,” subject to certain terms and conditions,

including the completion of the coordinated SEQRA review for the LEGOLAND project;
and

WHEREAS, the Town of Goshen Planning Board has heretofore acted as the Lead Agency in connection with the coordinated SEQRA review for the LEGOLAND project; and

WHEREAS, the Town of Goshen Planning Board did, on August 18, 2017, issue the required Finding Statement thereby concluding the SEQRA review; and

WHEREAS, the Village Board for the Village of Goshen, as an involved agency in connection with the LEGOLAND project has heretofore duly adopted the said Findings Statement issued by the Town of Goshen Planning Board on August 18, 2017; and

WHEREAS, the Village engineering consultants have heretofore issued written reports to the Village wherein and whereby they have confirmed that there is sufficient municipal water and sewer capacity to accommodate the projected needs of the LEGOLAND project and the needs of the Village of Goshen at full build out; and

WHEREAS, Merlin and the Village of Goshen have now negotiated an *Outside User Water and Sewer Service Agreement* a copy of which is annexed hereto and made a part hereof as Exhibit "A"; and

WHEREAS, the Village Board, after due consideration and deliberation, determines that it is in the overall public interest to enter into the *Outside User Water and Sewer Service Agreement* annexed hereto as the additional monetary consideration to be realized by the Village in connection with the provision of water and sewer service to the LEGOLAND project will result in an economic benefit to the existing Village water and sewer rate payers;

NOW, THEREFORE, it is

RESOLVED, that the Mayor is authorized to sign, execute and deliver the *Outside User Water and Sewer Service Agreement* annexed hereto and made part hereof as Exhibit "A" as well as sign, execute and deliver a modified version of said Agreement if revisions may be necessary to effectuate the mutual intentions of the parties to the said Agreement so long as the modifications to the said Agreement are not material and so long as the Revised Agreement is in substantial conformance with the Agreement annexed hereto.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye
Roddey	aye

Mayor/Trustee Comments

Trustee Gurda noted that as we remember 9/11/01 today, tonight's letter regarding the Fire Department should make us think of all first responders with gratitude.

Mayor Roddey offered congratulations to the local school districts for a good school-year opening.

Citizens' comments were received from Geri Corey.

On a motion by Trustee Gurda, seconded by Trustee Nuzzolese, the Meeting was adjourned at 7:30 p.m.

Char	absent
Gurda	aye
Nuzzolese	aye
Smith	aye