

Village Board Meeting  
March 26, 2018

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

Member absent: Trustee Nuzzolese

Also present: Michael Donnelly, Esq., 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.

Public Hearing – Community Development Block Grant FY 2019

Mayor Roddey read the following:

**LEGAL NOTICE  
VILLAGE OF GOSHEN  
PUBLIC HEARING**

Notice is hereby given that the Board of Trustees of the Village of Goshen will hold a Public Hearing on March 26, 2018, at 7:00 p.m. or as soon after as can be heard, to consider projects for funding under the Orange County Community Development Program.

Under the Program a variety of physical improvements as listed below are eligible for funding:

- 1) Acquisition and Disposition of Real Property
- 2) Public Works, Public Facilities or Site Improvements
- 3) Code Enforcement (Housing & Health Codes)
- 4) Clearance, Demolition & Rehabilitation for Public Use or Economic Development
- 5) Housing Rehabilitation Loans and Grants
- 6) Special Projects for Elderly & Handicapped
- 7) Provision of Public Services (Shelters, Clinics, Senior Nutrition, etc.)
- 8) Payment of Non-Federal Shares of Other Grant Programs
- 9) Relocation Payments and Assistance
- 10) Planning, Management & Program Administration

The Village of Goshen will be considering projects to be submitted to the Orange County Community Development Program, the deadline for which is April 27, 2018.

BY ORDER OF THE VILLAGE  
BOARD OF TRUSTEES

On a motion by Trustee Smith, seconded by Trustee Char, the Public Hearing on the FY 2019 Community Development Block Grant was opened at 7:01 p.m.

Char	aye
Gurda	aye
Nuzzolese	absent
Smith	aye

Mayor Roddey opened the hearing to public comment.

Debbie Corr asked what a Community Development grant was, and suggested a trail connecting the different parks together and a dedicated bike path throughout the town.

There was no further public comment.

On a motion by Trustee Gurda, seconded by Trustee Char, the Public Hearing was closed at 7:04 p.m.

Char	aye
Gurda	aye
Nuzzolese	absent
Smith	aye

On a motion by Trustee Smith, seconded by Trustee Char, the Agenda was accepted with the following additions: Items of Business #6 – CPV Permit Revocation; and #7 – Memorandum of Understanding with Goshen Central School.

Char	aye
Gurda	aye
Nuzzolese	absent
Smith	aye

On a motion by Trustee Gurda, seconded by Trustee Smith, the Minutes of the February 26, 2018 Village Board Meeting were accepted as submitted.

Char	abstain (absent on February 26, 2018)
Gurda	aye
Nuzzolese	absent
Smith	aye
Roddey	aye

#### Items of Business

On a motion by Trustee Char, seconded by Trustee Smith, bills as examined by members of the Board were approved in accordance with Abstract 2017/2018 number 9, check numbers 13877 through 14004 in the amount of \$1,146,109.10.

Char	aye
Gurda	aye
Nuzzolese	absent
Smith	aye

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

The Village Board of the Village of Goshen hereby schedules the Public Hearing on the proposed 2018/2019 budget for April 2, 2018, at 7:00 p.m. or as soon thereafter as may be heard.

Char	aye
Gurda	aye
Nuzzolese	absent
Smith	aye

On a motion by Trustee Char, seconded by Trustee Gurda, permission is granted for the "Luke Lives On 5K" to be held on May 5, 2018, beginning at 9:00 a.m. The event organizers have provided the necessary Insurance and Indemnification.

Char	aye
Gurda	aye
Nuzzolese	absent
Smith	aye

On a motion by Trustee Char, seconded by Trustee Gurda, the Village Board of the Village of Goshen is hereby submitting its Application for consideration under the FY-2019 Orange Urban County Consortium Community Development Program and that the Village Mayor is hereby authorized to submit this Application. The Village Board further certifies that they have read and understood the Orange Urban County Consortium Community Development Guidelines for the FY-2019 program year, and have met all of its applicable requirements and that the information contained in the Application is accurate and true to the best of their knowledge.

Char	aye
Gurda	aye
Nuzzolese	absent
Smith	aye

On a motion by Trustee Char, seconded by Trustee Gurda, DPW Superintendent Scott Birney is hereby authorized to attend the Powers and Duties of Local Highway Officials Workshop on April 3, 2018, at the Orange County Cooperative Extension in Middletown NY. The total cost of this training is \$50.00.

Char	aye
Gurda	aye
Nuzzolese	absent
Smith	aye

Mayor Roddey turned the floor over to resident Jared Quattrini, who read a statement of support for the revocation of all State permits issued to Competitive Power Ventures for its generation plant in Orange County, New York.

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

RESOLUTION OF THE VILLAGE BOARD URGING THE GOVERNOR OF NEW YORK STATE AND THE DEC TO EXPLORE WITHIN ALL CURRENT LAW AND ALL OPTIONS TO REVOKE ANY AND ALL STATE PERMITS TO ANY PROJECT IN WHICH CRIMINAL CONDUCT BY PUBLIC OFFICIALS OCCURRED AND OR THE APPLICANT OR AGENT OF THE APPLICANT IS CONSIDERED "UNSUITABLE" OR A BAD ACTOR FOR WHICH PERMITS WERE ISSUED. SUCH ACTION MUST APPLY RETROACTIVELY TO THE CPV PROJECT IN ORANGE COUNTY.

**WHEREAS**, on March 6, 2018, the Governor's former executive deputy secretary, Joseph Percoco was convicted for soliciting and accepting more than \$300,000 in bribes from executives working for two companies doing business with New York State;

**WHEREAS**, after a trial by jury in Federal District Court, it was found that the bulk of the \$300,000 in bribes came from Competitive Power Ventures ("CPV"), for its power generation plant in Orange County, New York; and

**WHEREAS**, after a trial by jury in Federal District Court, it was found that the former CPV Vice President of External Affairs and Government Relations for CPV, has been

indicted on bribery charges, and credible evidence has come out at trial which indicates that CPV's CEO, also had knowledge of, and, at minimum, removed internal barriers to the bribery scheme: and

**WHEREAS**, this Village Board finds that state projects that have been directly tied to criminal conduct by public officials should not be allowed to benefit from their actions, and therefore all permits issued by the state agencies must be revoked, and in the case of CPV, such permits must be revoked retroactively.

**NOW, THEREFORE**, be it hereby

**RESOLVED**, that We, the Village Board of the Village of Goshen, hereby urge the Honorable Andrew Cuomo, Governor of the State of New York, to instruct the Director of the New York State Department of Environmental Conservation to invoke the Environmental Conservation Law's Uniform Procedures Act which authorizes the DEC to suspend, revoke or modify an existing regulatory permit and apply retroactively to therefore revoke all permits issued to the CPV project in Orange County; and be it further

**RESOLVED**, that we, the Village Board of the Village of Goshen, hereby urge the Honorable Andrew Cuomo, Governor of the State of New York, to direct the Director of the New York State Department of Environmental Conservation to invoke the DEC's DEE-16 Policy. Its guidance repeatedly references the Department's authority to revoke permits in situations where the permittee or applicant is "unsuitable" " i.e., a bad actor. See DEE-16 Policy at I. It further explains that DEC's is "command[ed]" by the legislature to "take reasonable steps to ensure that the applicant is a fit and proper person to engage in the permitted . . . activity." *Id.* at III., and apply to and revoke all permits issued to the CPV project in Orange County; and be it further

**RESOLVED**, that the Clerk of the Village of Goshen forward a certified copy of this resolution to the Honorable Andrew Cuomo, Governor of the State of New York, the Speaker of the New York State Assembly, the Majority Leader of the New York State Senate and all Senators and Assembly Members whose Legislative Districts are in Orange County and to U.S. Senators Charles E. Schumer and Kristen E. Gillibrand, U.S. Congressman Sean Patrick Maloney and to the Commissioners of the Federal Energy Regulatory Commission.

Trustee Char	aye	Trustee Gurda	aye
Trustee Nuzzolese	absent	Trustee Smith	aye

On a motion by Trustee Char, seconded by Trustee Smith, Mayor Roddey was authorized to sign the Memorandum of Understanding with the Goshen Central School District for the provision of Village Police Officers in each school.

Char	aye	Gurda	aye
Nuzzolese	absent	Smith	aye

## **MEMORANDUM OF UNDERSTANDING**

This MEMORANDUM OF UNDERSTANDING (“MOU”), dated March \_\_\_\_, 2018, and made effective as of February 27, 2018, by and between the **VILLAGE OF GOSHEN**, a municipality organized and existing under the laws of the State of New York, having its principal office at 276 Main Street, Goshen, New York 10924 (the “Village” or “Goshen”), and the **GOSHEN CENTRAL SCHOOL DISTRICT**, a central school district organized and existing under the laws of the State of New York, having its principal office at 227 Main Street, Goshen, New York 10924 (“School District”) hereby recites as follows:

**WHEREAS**, the School District has requested that the Village provide law enforcement protection by dedicating one Village Police Officer to each school building in the District; and

**WHEREAS**, the said school district buildings at which law enforcement protection will be provided by the Village to the School District are designated as follows: (1) the Scotchtown Avenue School; (2) the Goshen Intermediate School; (3) the C.J. Hooker School; and (4) the Goshen High School, hereinafter collectively referred to as the “Goshen Schools”; and

**WHEREAS**, the School District has agreed to be responsible for the salary and fringe benefit costs actually incurred by the Village in connection with the staffing of the Goshen Schools with law enforcement protection as herein provided; and

**WHEREAS**, pursuant to the terms of this MOU, the School District agrees to make payment to the Village for such law enforcement protection at such times and upon such terms as are herein provided; and

**NOW, THEREFORE**, in consideration of the mutual covenants herein contained and other good and valuable consideration, the Parties agree, as follows:

1. **Law Enforcement Protection Hours and Location**: The Village will provide a Village police officer who will be present during the respective school days for each of the Goshen Schools as hereinabove identified as follows:

- Scotchtown Avenue School from the hours of \_\_\_\_\_ to \_\_\_\_\_;
- Goshen Intermediate School from the hours of \_\_\_\_\_ to \_\_\_\_\_;
- C.J. Hooker Middle School from the hours of \_\_\_\_\_ to \_\_\_\_\_;
- Goshen Central High School from the hours of \_\_\_\_\_ to \_\_\_\_\_.

2. **Calculation of amount to be paid by the School District**: The School District agrees to be responsible for the actual costs, inclusive of fringe benefits, incurred by the Village in connection with the compensation to be paid to each police officer. Specifically, the School District will pay each Village Police Officers respective rate of pay and allocable fringe benefits

3. **Payment:** The Village shall invoice the School District for such law enforcement protection in said amounts that shall be calculated as herein provided every two weeks. Payment in full shall be due within two weeks of the issuance of the invoices by the Village.
4. **Authority to Execute the MOU:** The Village and the School District have approved this MOU for execution by the Mayor on behalf of the Village and the Superintendent of School on behalf of the School District. MOU may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument, and any of the Parties or signatories hereto may execute this MOU by signing any such counterpart.
5. **Binding Document and Governing Law:** This MOU shall be binding upon and inure to the benefit of the Parties and their respective legal representatives, designees, successors and assigns, and shall be governed by and construed in accordance with the laws of the State of New York without regard to any conflicts hereunder.
6. **Termination Date:** This MOU shall terminate on June 22, 2018.

**IN WITNESS WHEREOF**, the Parties have executed this MOU as of the date first written above.

**VILLAGE OF GOSHEN**

**GOSHEN CENTRAL SCHOOL DISTRICT**

By: \_\_\_\_\_ By: \_\_\_\_\_

**Mayor/Trustee Comments**

Trustee Gurda reported for the Water Department that crews have been clearing a 16" water transmission line right-of-way from the water plant, and a water main leak on St. John Street was repaired.

Trustee Smith noted that the Senior Center had a successful St. Patrick's Day luncheon, and plans are underway for the Senior Prom in April.

Mayor Roddey announced that the Public Hearing on the proposed 2018/2019 Budget will be at the next Meeting, April 2<sup>nd</sup>.

**Citizens' Comments**

Comments were received from Ann Marie Pettit, Pramilla Mallick, Debbie Corr, Ovid Figueroa, and Walt Jensen.

On a motion by Trustee Char, seconded by Trustee Smith, at 7:50 p.m., the Village Board entered into an Attorney-Client Privileged Session to allow the Village Attorney to provide legal advice regarding outside village sewer users tying into the village WWTP, and an Executive Session to discuss collective negotiations pursuant to the Taylor Law, and the employment history of a particular employee.

Char	aye
Gurda	aye
Nuzzolese	absent
Smith	aye

Mayor Roddey noted that the Board would not be re-opening the Meeting.

On a motion by Trustee Char, seconded by Trustee Smith, the Attorney-Client Privileged Session and the Executive Session were concluded at 8:35 p.m.

Char	aye
Gurda	aye
Nuzzolese	absent
Smith	aye