

Village Board Meeting
December 13, 2021

Members present: Mayor Wohl, Trustees Henderson, O'Donnell, and Scotto

Member absent: Trustee Gurda

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

Mayor Wohl led those present in the Pledge of Allegiance, followed by a Moment of Silence to honor the memory of former Senator Robert J. Dole.

On a motion by Trustee Henderson, seconded by Trustee Scotto, the Agenda was accepted with the addition of Items of Business #7: A Proclamation regarding the career of Village Clerk Strobl.

Gurda	absent
Henderson	aye
O'Donnell	aye
Scotto	aye

On a motion by Trustee Henderson, seconded by Trustee O'Donnell, the Minutes of the November 22, 2021 Village Board Meeting were accepted as presented.

Gurda	absent
Henderson	aye
O'Donnell	aye
Scotto	aye

Communications

Mayor Wohl read a Press Release from AAA Northeast announcing that the Village has won a Silver Award for efforts during 2020 in the Northeast's Community Traffic Safety Awards Program. Additionally, AAA recognized the Village for having 33 consecutive years with zero pedestrian fatalities.

Mayor Wohl noted that recent complaints from residents had prompted him to contact the Times-Herald Record regarding the drive-by distribution of flyers on lawns and driveways. At this point, the flyers will be mailed. The newspaper has advised that in the future there will be an "opt out" option.

The Board reviewed a standard notice, received from Palma Mexicana LLC d/b/a Super Nacho, of intent to file a liquor license with the New York State Liquor Authority

Items of Business

On the nomination of Mayor Wohl, Maria M. Darby is hereby appointed Village Clerk, effective January 1, 2022, at a salary of \$65,000 per year. This appointment is to fill the unexpired term caused by the retirement of the current Village Clerk, and the term will continue to the Annual Meeting of April, 2023.

Gurda	absent
Henderson	aye
O'Donnell	aye
Scotto	aye

On a motion by Trustee O'Donnell, seconded by Trustee Henderson, Michael L. Prechtel is hereby appointed Part Time Court Attendant for the Village of Goshen at a salary of \$18.23 per hour.

This appointment is effective upon successful completion of pre-employment physical and paperwork and a background check.

Gurda	absent
Henderson	aye
O'Donnell	aye
Scotto	aye

TOWN OF GOSHEN/VILLAGE OF GOSHEN
Joint Resolution

RESOLUTION AUTHORIZING THE DEMOLITION OF THE SALESIAN SCHOOL
BUILDING

The following was moved by Trustee O'Donnell, and seconded by Trustee Scotto:

WHEREAS, the Town of Goshen (Town) owns a parcel of property in the Village of Goshen (Village) located at 1 Craigville Road in the Village's Rural Density Residential (RR) and Architectural Design (ADD) Zoning Districts (49.1 acres) ("Salesian Property"); and

WHEREAS, the Salesian Property contains a long-abandoned Salesian school building ("Salesian School Building"), and said building is located outside of the boundary of the Village's ADD district; and

WHEREAS, pursuant to an Intermunicipal Agreement between the Town and the Village dated October 29, 2003, although the title to the property is in the name of the Town, the Town and the Village have agreed to exercise joint control over the ultimate use, development, maintenance and operation of the Salesian Property; and

WHEREAS, the Town desires to proceed with the demolition of the abandoned Salesian School Building (the "Project") through the competitive bidding process, including mandating compliance with the State's prevailing wage requirements, and funding the demolition through the Town's General "A" Fund monies, Bond Anticipation Notes (BANs) charged to the Town's General "A" Fund, or a combination of the same; and

WHEREAS, under the Village of Goshen's Zoning Code the Project requires oversight, approvals and permits from the Village; and

WHEREAS, the Town and Village have reviewed this Project in the context of the decision of the New York Court of Appeals in *In re County of Monroe*, 72 N.Y. 2d 338 (1988) considering the *County of Monroe's* "balancing of public interests" test, and have found as follows regarding the applicability of the zoning and land use regulatory jurisdiction of the Village and its agencies over the Project ("Monroe Inquiry"):

1. Neither the Village nor the Town is a legally superior jurisdiction to the other and, therefore, neither is entitled to any preference regarding general municipal powers and this Project.
2. The Project is for a governmental purpose that benefits both the residents of the Village and those Town residents outside of the Village.

3. Enforcement of the Village's zoning laws will have no substantive impact on the Project, involving simply the demolition of a building and the necessary associated protective measures, but the process of obtaining such approvals may unnecessarily delay the project's completion. Protection of both the Village and Town will be served by the Town's insurances and the joint and coordinated oversight of the project by both the Town and Village Building Inspectors.
4. The impact upon both the Town and Village's legitimate local interests are identical and serve the Town's residents both within and without the Village.

NOW THEREFORE, after due deliberations, the Town and Village of Goshen, acting by and through their respective Town Board and Village Board of Trustees, hereby agree as follows:

RESOLVED, that the Town and Village authorize the undertaking of the Project in accordance with the various rights and responsibilities set forth in the above-mentioned Intermunicipal Agreement, and it is further

RESOLVED, that the Project will be undertaken as a public works project subject to the New York State competitive bidding and prevailing wage laws, with the Town providing insurance coverage for the Project with the appropriate provision of bonds and insurances and the indemnifications of the Town and Village by the contractors performing the work for the Project, and it is further

RESOLVED, that the financing for the Project will be accomplished by the Town's use of its General "A" Fund monies, Bond Anticipation Notes (BANs) charged to the Town's General "A" Fund, or a combination of the same, ensuring, consistent with the intent of the provisions of the above-mentioned Intermunicipal Agreement, that there be no resulting double taxation on Village residents, and it is further

RESOLVED, that the Town is exempt from the Village's zoning and permitting regulations for the Project, and it is further

RESOLVED, that the Town and Village Building Inspectors will jointly oversee the inspection of the Project for the benefit of both the Town and Village.

Trustee Gurda	absent
Trustee Henderson	aye
Trustee O'Donnell	aye
Trustee Scotto	aye

The following was moved by Trustee Scotto, and seconded by Trustee Henderson:

WHEREAS, pursuant to a Resolution duly adopted by the Village Board on August 23, 2021, the Village of Goshen did resolve to convey certain real property located at 15 New Street and designated on the Tax Map as Section 111, Block 16, Lot 2, commonly known as the "Dikeman Firehouse" to the Goshen Volunteer Ambulance Corps. ("GOVAC"); and

WHEREAS, the terms of said Resolution required the closing of title to occur within 90-days; and

WHEREAS, the Village stands ready, willing and able to convey title the said Premises but GOVAC is unable to complete the transaction at this time and has therefore requested an extension of 90 days to complete the transaction; and

WHEREAS, the Village hereby determines that there will be no prejudice to any party by this extension of time given that GOVAC occupies the property as a Tenant and is responsible for all repairs, maintenance and upkeep of the building and further hereby determines that the granting of the extension is in the overall public interest;

NOW, THEREFORE, it is hereby

RESOLVED, that the time period within which GOVAC must close title on the Dikeman Firehouse is hereby extended a period of 90-days, i.e., until March 14, 2022; and it is further

RESOLVED, that all other terms, conditions and provision of the Resolution duly adopted on August 23, 2021 shall remain in full force and effect.

Gurda	absent
Henderson	aye
O'Donnell	aye
Scotto	aye

The following was moved by Trustee O'Donnell, and seconded by Trustee Henderson:

The Annual Election of the Village of Goshen will be held at Village Hall, 276 Main Street, Goshen, New York, on Tuesday, March 15, 2022.

Polls will open at 9:00 a.m., and close at 9:00 p.m. that same day.

A vote resulted as follows:

Gurda	absent
Henderson	aye
O'Donnell	aye
Scotto	aye

On a motion by Trustee Scotto, seconded by Trustee O'Donnell, bills as examined by members of the Board were approved in accordance with Abstract 2021/2022 number 6, check numbers 19857 through 19984 in the amount of \$1,388,921.46.

Gurda	absent
Henderson	aye
O'Donnell	aye
Scotto	aye

Mayor Wohl read a Proclamation, and presented it to retiring Village Clerk Strobl, who expressed gratitude to those present.

Mayor/Trustee Comments

Trustee Scotto reported that the Police Department had been very busy, and commended the actions that saved the life of a distraught subject.

Trustee O'Donnell wished everyone a wonderful holiday season.

Trustee Henderson noted the following recent activities of the Water and Sewer Departments: the Greenhill pumpstation has been winterized; the fire hydrant work inventory has been completed; and sand has been removed from the sewer treatment plant sand filter for renovation.

Mayor Wohl thanked everyone for the success of the recent Menorah Lighting and Tree Lighting ceremonies.

Citizens' Comments

Comments were received from resident and Planning Board member Sal LaBruna.

On a motion by Trustee Henderson, seconded by Trustee O'Donnell, the Meeting was adjourned at 7:30 p.m.

Gurda	absent
Henderson	aye
O'Donnell	aye
Scotto	aye