

Village Board Meeting  
February 25, 2019

Members present: Mayor Nuzzolese, Trustees Gurda and Smith

Members absent: Trustees Char and Scotto

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

Mayor Nuzzolese called the Meeting to order at 7:00 p.m. and led those present in the Pledge of Allegiance.

On a motion by Trustee Smith, seconded by Trustee Gurda, the Agenda was accepted with the following addition: An Executive Session to discuss the employment history of a particular person.

Char	absent
Gurda	aye
Scotto	absent
Smith	aye
Nuzzolese	aye

On a motion by Trustee Gurda, seconded by Trustee Smith, the Minutes of the February 11, 2019 Village Board Meeting were accepted as submitted.

Char	absent
Gurda	aye
Scotto	absent
Smith	aye
Nuzzolese	aye

### Communications

Mayor Nuzzolese read a letter from the Mid-Hudson St. Patrick's Parade Committee, requesting permission to hold their annual parade on Sunday, March 10, 2019, beginning at 2:00 p.m.

On a motion by Trustee Gurda, seconded by Trustee Smith, permission was granted, subject to adherence to stipulations set forth in prior years.

Char	absent
Gurda	aye
Scotto	absent
Smith	aye
Nuzzolese	aye

Items of Business

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

**WHEREAS**, Howard Dragunoff, of Action Enterprises, Woodbridge CT, has applied for a permit for the peddling of balloons and novelties on March 10, 2019; and

**WHEREAS**, Mr. Dragunoff has fulfilled the requirements for obtaining such a permit, and has paid the applicable fees and posted the required bond, as required by Chapter 14, Article II of the Code of the Village of Goshen;

**NOW, THEREFORE**, the Village Board of the Village of Goshen directs the Village Clerk to issue the requested Peddlers' License to Mr. Dragunoff.

Char	absent
Gurda	aye
Scotto	absent
Smith	aye
Nuzzolese	aye

On a motion by Trustee Gurda, seconded by Trustee Smith, the prices listed on the attached are hereby accepted as the successful bids from the recently concluded on-line auction at Auctions International. The total to be received from the sale of the two surplus vehicles, and eleven surplus pieces of machinery/equipment is \$34,420.00.

Char	absent
Gurda	aye
Scotto	absent
Smith	aye
Nuzzolese	aye

Mayor/Trustee Comments

Mayor Nuzzolese noted that he had had the privilege of attending a recent crossover ceremony for seven young men moving from Webelos to Boy Scouts.

Citizens Comments

Comments were received from Reynell Andrews.

On a motion by Trustee Gurda, seconded by Trustee Smith, the Board voted to enter into Executive Session at 7:09 p.m. for a discussion of the Employment History of a Particular Person.

Char	absent
Gurda	aye
Scotto	absent
Smith	aye
Nuzzolese	aye

On a motion by Trustee Smith, seconded by Trustee Gurda, the Executive Session was concluded and the Meeting was re-opened at 7:19 p.m.

Char	absent
Gurda	aye
Scotto	absent
Smith	aye
Nuzzolese	aye

The following resolution was duly offered  
and seconded to wit:

**RESOLUTION OF THE VILLAGE BOARD FOR THE VILLAGE OF GOSHEN  
ADOPTING A SEPARATION FROM SERVICE POLICY  
PURSUANT TO CIVIL SERVICE LAW § 71**

**WHEREAS**, the Village is authorized pursuant to the provisions of New York State Civil Service Law § 71 to separate employees who are on a one year cumulative leave of absence from employment due to a disability resulting from an occupational injury or disease as defined by the Workers' Compensation Law; and

**WHEREAS**, the Village Board desires to establish policies and procedures for the separation from service pursuant to Civil Service Law § 71; and

**WHEREAS**, due to the discretionary nature of the statutory language of Civil Service Section 71, the Village previously presented a draft memorandum of agreement to the Civil Service Employees Association, Inc., Local 1000, AFSCME AFL-CIO for the Village of Goshen Unit (the "Union") setting forth a proposed process to be following in the event of a separation of service under Civil Service Law Section 71 to negotiate an agreed upon process and to receive comment from the Union on such proposed policy; and

**WHEREAS**, despite several attempts by the Village to negotiate such process and obtain comments from the Union, the Union declined to provide any comment on the proposed process and refused to negotiate the proposed separation process presented by the Village; and

**WHEREAS**, the Village Board has the authority to separate employees under Civil Service Law § 71 and the Village made reasonable, good faith efforts to negotiate such process with the Union, which efforts were refused by the Union; and

**WHEREAS**, the Village finds that it is in the best interests of the Village and its affected employees to adopt a process for separation of service under Civil Service Law § 71 that provides employees with notice and an opportunity to be heard prior to any such separation under Civil Service Law § 71; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Village Board of the Village of Goshen:

- Section 1. All "WHEREAS" clauses are incorporated herein by reference as if set forth fully herein.
- Section 2. The Village Board hereby adopts the annexed policy that establishes the policies and procedures for the Village relating to the separation from service for Village employees in the CSEA Union pursuant to Civil Service Law § 71.
- Section 3. The Village Mayor, or his designee, is hereby authorized to take any actions necessary to carry out the provisions of this Resolution.

Section 4. This Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Ayes	Noes	Abstain	Absent
Mayor Michael Nuzzolese	[ X ]	[ ]	[ ]	[ ]
Trustee Peter Smith	[ X ]	[ ]	[ ]	[ ]
Trustee Christopher E. Gurda	[ X ]	[ ]	[ ]	[ ]
Trustee Edward Char	[ ]	[ ]	[ ]	[ X ]
Trustee Anthony Scotto	[ ]	[ ]	[ ]	[ X ]

The Resolution was thereupon duly adopted.

**BY ORDER OF THE VILLAGE BOARD OF  
THE VILLAGE OF GOSHEN, NEW YORK**

Dated: February 25, 2019

The following resolution was duly offered  
and seconded to wit:

**RESOLUTION OF THE VILLAGE BOARD FOR THE VILLAGE OF GOSHEN  
AUTHORIZING THE NOTICE OF SEPARATION FROM SERVICE  
OF AN EMPLOYEE**

**WHEREAS**, a certain employee of the Village of Goshen, identified by name to the Village Board in Executive Session as a personnel matter and referred to hereinafter as “the Employee;” and

**WHEREAS**, the Employee has been absent for over one (1) year cumulatively by reason of an occupational injury as defined in the New York State Workers’ Compensation Law; and

**WHEREAS**, pursuant to Section 71 of the New York Civil Service Law, the Village has the authority to separate the Employee from service with the Village; and

**WHEREAS**, the Village Board adopted a process for separations of service under Section 71 of the Civil Service Law after soliciting input from the CSEA Union which was declined; and

**WHEREAS**, if the Employee recovers from such occupational injury in the future, the Employee shall have a right under Section 71 of the Civil Service Law to apply to the Orange County Department of Personnel for a medical examination to determine the Employee’s fitness to return to work within one (1) year after the Employee recovers from the occupational injury; and

**WHEREAS**, if, after such medical examination, the Employee is deemed to be fit to return to work, the Employee will be considered for reinstatement to the Employee's position, if vacant, or to a similar position; and

**WHEREAS**, if the Employee cannot be reinstated at that time, the Employee's name will be placed on a preferred list; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Village Board of the Village of Goshen:

Section 1. All "WHEREAS" clauses are incorporated herein by reference as if set forth fully herein.

Section 2. The Village Board hereby determines to separate the Employee from employment effective **Friday, April 12, 2019**, unless, upon medical proof satisfactory to the Village Board or their designee, the Employee is determined to be fit for work and returns to work prior to such date.

Section 3. The Village Mayor is authorized to execute a letter notice to the Employee substantially in the form annexed hereto, notifying the Employee that employment of the Employee will terminate effective **Friday, April 12, 2019** pursuant to Civil Service Law § 71, and providing the Employee with the right to respond, in writing, within twenty (20) days of service of such Notice, asserting any and all reasons why such separation should not occur or requesting a hearing to contest the Village's determination.

Section 4. The Village Board shall review and consider any such response if received within twenty (20) days from the date of service of the notice.

Section 5. The Village Mayor, or his designee, is hereby authorized to take any actions necessary to carry out the provisions of this Resolution, including scheduling of an independent medical examination, if necessary, to determine the Employee's fitness to return to work.

Section 6. This Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Ayes	Noes	Abstain	Absent
Mayor Michael Nuzzolese	[ X ]	[ ]	[ ]	[ ]
Trustee Peter Smith	[ X ]	[ ]	[ ]	[ ]
Trustee Christopher E. Gurda	[ X ]	[ ]	[ ]	[ ]
Trustee Edward Char	[ ]	[ ]	[ ]	[ X ]
Trustee Anthony Scotto	[ ]	[ ]	[ ]	[ X ]

The Resolution was thereupon duly adopted.

**BY ORDER OF THE VILLAGE BOARD OF  
THE VILLAGE OF GOSHEN, NEW YORK**

Dated: February 25, 2019

On a motion by Trustee Gurda, seconded by Trustee Smith, the Meeting was Adjourned at 7:23 p.m.

Char	absent
Gurda	aye
Scotto	absent
Smith	aye
Nuzzolese	aye