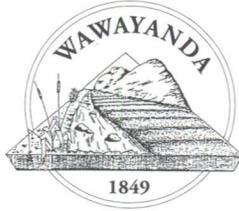


TOWN OF WAWAYANDA
SLATE HILL, NEW YORK 10973

KATHRYN A. SHERLOCK, RMC
Town Clerk - Tax Collector
Town of Wawayanda
80 Ridgebury Hill Road
SLATE HILL, NEW YORK 10973



MOTION by **Supervisor John Razzano**, seconded by **Councilman Ronald Myruski**, to adopt a resolution as follows

TOWN OF WAWAYANDA
RESOLUTION #3-2018

RESOLUTION OF THE WAWAYANDA TOWN BOARD URGING THE GOVERNOR OF NEW YORK STATE AND THE DEC TO REVIEW 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" 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

WHEREAS, this Town 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 investigated and potentially revoked if determined to be issued as a result of criminal conduct, and in the case of CPV, such permits must be revoked retroactively.

NOW, THEREFORE, be it hereby

RESOLVED, that We, the Town Board of the Town of Wawayanda, 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 upon investigation and determination that they were issued as a result of criminal misconduct, and be it further

RESOLVED, that we, the Town Board of the Town of Wawayanda, 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 upon investigation and determination that they were issued as a result of criminal misconduct, and be it further

RESOLVED, that the Clerk of the Town of Wawayanda 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.

VOTE

Supervisor John Razzano	- Aye
Councilman David Cole	- Aye
Councilwoman Denise Quinn	- Aye
Councilman Nicolas Chase	- Abstain
Councilman Ronald Myruski	- Aye

MOTION CARRIED

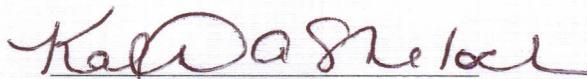
STATE OF NEW YORK:

ss.:

COUNTY OF ORANGE:

I, **Kathryn A. Sherlock**, the duly elected and serving Town Clerk of the Town of Wawayanda, do hereby certify that the foregoing resolution had been duly considered and unanimously approved at a public meeting of the Town Board which was held on Thursday, April 5, 2018.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Town of Wawayanda this 9th day of April, 2018.



Kathryn A. Sherlock, Town Clerk
Town of Wawayanda

