

Minutes of the Village Board Meeting held at Town Hall, 511 Route 32, Highland Mills, New York on June 9, 2009 at 7:30PM

Present: Michael Queenan, Mayor
Neil Crouse, Timothy Egan, Thomas Flood and Richard Jackson, Trustees
Absent: None
Also Present: Richard Golden and Kelly Naughton, Attorneys for the Village; John Jones, Fire Chief;
Maria Hunter, Planning Board

I. Re-Organization:

a. Consultants for the Village:

Motion was offered by Trustee Jackson, seconded by Trustee Egan, to appoint the following consultants for the FY2009/2010:

| | |
|------------------|---|
| Richard Golden | Attorney for the Village |
| Dennis Lindsay | Engineer for the Village |
| Stuart Turner | Planner for the Village |
| Lisa Felicissimo | Attorney for the Zoning Board of Appeal |

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

b. Deputy Mayor:

Mayor Queenan stated he appoints Timothy Egan as Deputy Mayor.

c. Membership in State Association:

Motion was offered by Trustee Flood, seconded by Trustee Crouse, to authorize the Village Clerk to enroll the Village as members with the New York State Conference of Mayors (NYCOM); the Orange County Association of Towns, Villages and Cities; the Orange County Municipal Planning Federation; and the Woodbury Chamber of Commerce.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

d. Designation of Official Newspaper:

Motion was offered by Trustee Egan, seconded by Trustee Jackson, to designate the Times Herald Record as the official newspaper for the Village.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

e. Investment Policy/Designation of Depository/Audited of Abstract Vouchers:

Motion was offered by Trustee Crouse, seconded by Trustee Jackson, to adopt the Investment Policy of the Village as follows:

“The objectives of the Investment Policy of the Village of Woodbury are to minimize risk, to insure that investments mature when cash is required, and to insure a competitive rate of return. In accordance with this policy, the Mayor is authorized to invest Village funds which are in excess of current operating needs. Village investments are governed by applicable New York State Laws.

That the Mayor make the following types of investments, for the present, until other types of investments are submitted to the Village Board:

- a. Direct purchase of guaranteed obligations of the United States Government or obligations of the State of New York and its political subdivisions.
- b. Direct purchase of Certificates of Deposit from the designated depositories of

the Village. Such Certificates of Deposit are to be collateralized by obligations enumerated in item "a" above.

- c. Direct purchase through Repurchase Agreements of guaranteed obligations of the United States Government. Such Repurchase Agreements should be executed either through the designated depositories of the Village or those brokerage firms which are primary United States Government dealers which report to the Federal Reserve Bank of New York.
- d. Time Deposit Accounts are designated depositories of the Village. Such accounts are to be collateralized by the Federal Deposit Insurance Corporation or by obligations enumerated in item "a" above.

The Mayor shall deposit all monies received and said monies shall be released together with the related sureties from any liabilities for loss of such monies by reason of the default or insolvency of any such depository.

The following bank is to be designated as the official bank for the Village:

Provident Municipal Bank, Highland Mills

The Mayor shall be authorized to invest funds of the Village in this bank during the 2009/2010 Fiscal Year under the following guidelines:

- a. All accounts shall be collateralized at 105% and said collateralization shall be held by a third party bank.
- b. Collateralization shall be in accordance with the Comptroller's guidelines.
- c. All designated banks will be contacted for competitive rates on an ongoing basis."

The Mayor shall be authorized to deposit any Village monies in this bank during the 2009/2010 fiscal year.

Prior to all invoices being paid, they must be attached to vouchers which must be signed by at least two members of the Board. An "abstract of audited vouchers" will be prepared by the Village Treasurer for action by the Board. After the Board votes to approve payment, a record of the check issued for payment must be attached to the voucher indicating who the check was written to, the date payment was made and the amount of the payment.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

f. Mileage Reimbursement/Food Stipend:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to reimburse members of the Village Government and its employees, when on official business or duty for the Village, the rate established annually by the Internal Revenue Services for the use of their personal vehicle (includes gas and wear/tear). Vouchers are to be completed and filed with the Village Treasurer before reimbursement is made.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

Motion was then offered by Trustee Crouse, seconded by Trustee Egan, to reimburse employees not more than \$50 per day for food purchased while attending a Board approved conference/ meeting that is held for an entire day and is for Village related issues, if not included in the registration cost. Alcohol will not be reimbursed. Complete receipts must be submitted with voucher.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

g. Board Liaisons/Appointed Positions:

Motion was offered by Trustee Egan, seconded by Trustee Crouse, to establish the following liaisons of the Village Board:

| | |
|----------------------------|----------------------------|
| Liaison to Town Board | Mayor Queenan |
| Liaison to Planning Board | Trustee Crouse |
| Liaison to Zoning Board | Trustee Egan |
| Liaison to Fire Department | Trustee Egan and Jackson |
| Insurance Liaisons | Trustees Flood and Jackson |
| Grant Committee | Trustees Crouse and Flood |

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

Motion was then offered by Trustee Egan, seconded by Trustee Flood, to appoint the following individuals to the following positions:

| | |
|---------------------------------------|---|
| Village Clerk | Desiree Potvin |
| Village Treasurer | Desiree Potvin |
| Village Collector of Taxes | Carol Herb |
| Village Registrar of Vital Statistics | Desiree Potvin |
| Village Fire Marshall | James Savarese |
| Appeals Officer for FOIL's | Michael Queenan |
| Procurement Officer | Michael Queenan |
| Planning Board | Maria Hunter (<i>re-appointment</i>) |
| Zoning Board | Anthony Mickolajczyk (<i>re-appointment</i>) Kevin Abrams (<i>term expires 6/1/2012</i>) |

ADOPTED AYES 3 Queenan, Egan, Flood
 NOES 2 Crouse, Jackson

Trustee Crouse stated he is voting no because the Board did not interview Mr. Abrams and he does not feel it is appropriate to appoint individuals without an interview first.

h. Appointment of Chairperson:

Motion was offered by Trustee Flood, seconded by Trustee Egan, to designate the following individuals as Chairperson for the following Boards:

| | |
|------------------|----------------|
| George Sewitt | Planning Board |
| Richard Cataggio | Zoning Board |

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

i. Meeting Dates and Meeting/Public Comment Procedures:

Motion was offered by Trustee Crouse, seconded by Trustee Jackson, to adopt the following meeting procedures:

"That the Village Board hold regular meetings on the second and fourth Tuesday of each and every month at 7:30PM, at Town Hall, 511 Route 32, Highland Mills, New York. If cancelled, notification will be given to the media and posted on the official signboard of the Town Clerk. Special meetings are to be called by the Mayor and all Trustees will be notified by telephone, electronic mail, in person or by postal service by the Village Clerk at least twenty-four hours in advance of the meeting unless in the opinion of the Mayor emergency conditions dictate the necessity of shorter notice. Agendas will be prepared by the Village Mayor and Clerk no later than twenty-four hours prior to all meetings. Items can be added and deleted when needed. Minutes of the meetings will be prepared by the Village Clerk in accordance with the Open Meetings Law. When action is required, a motion, followed by a second, will be asked for by the Mayor. A discussion can then be held and then each member will vote verbally on the issue (one vote per member). When required, the Board will be polled by the Village Clerk. If there is a dispute as

to the form or priority of motions or other meeting procedural issues not set forth herein Roberts Rules of Order shall prevail, consistent with New York municipal law, with the Attorney for the Village acting as Parliamentarian. When all business is finalized, the meeting will be adjourned. Any deviation from these procedures must be determined by the Village Board.”

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

Motion was then offered by Trustee Egan, seconded by Trustee Flood, to adopt the following procedures to be followed during the public comment segment of the meetings:

- a. The public may speak only during public comment, or at any time the Village Board permits, for a period of five minutes. Time cannot be yielded to other members of the public.
- b. Comments are to be made to the Village Board only, not other members of the public or individual Board members.
- c. Speakers will observe commonly accepted rules of courtesy, decorum, dignity and good taste when addressing the Board and making comments.
- d. Written communication will be accepted/presented by the Village Clerk.

Any deviation from these procedures must be determined by the Village Board.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

j. Procurement Policy:

Motion was offered by Trustee Egan, seconded by Trustee Crouse, to adopt a procurement policy as follows:

WHEREAS, the New York State Legislature enacted Section 103 of the General Municipal Law to provide that all contracts for public work involving an expenditure of more than Twenty-Thousand and 00/100 (\$20,000.00) Dollars, and all purchase contracts involving the expenditure of more than Ten Thousand and 00/100 (\$10,000.00) Dollars, shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein, to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided by Section 103 of the General Municipal Law; and,

WHEREAS, pursuant to General Municipal Law Section 103, in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, requires immediate action which cannot await competitive bidding, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer, board or agency of a political subdivision or district therein.

WHEREAS, General Municipal Law Section 104-b provides that the governing body of every political subdivision and any district therein, by resolution, shall adopt internal policies and procedures governing all procurement of goods and services which are not required to be made pursuant to the competitive bidding requirement of the General Municipal Law Section 103; and,

WHEREAS, Section 104-b of the General Municipal Law provides that said internal policies and procedures shall be promulgated in order that said goods and services be procured in a manner so as to assure the prudent and economical use of public monies in the best interests of the taxpayers of the political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption; and

NOW, THEREFORE, BE IT RESOLVED:

Section A - For purposes of determining whether a particular procurement of goods and services is subject to advertised, sealed competitive bidding as it relates to various departments of the Village,

the Village Board of Trustees will use the available brochures and literature from various vendors, and any other appropriate information, to determine whether or not a particular expenditure is likely to exceed the minimum limits for advertised, sealed competitive bidding as set forth in Section 103 of the General Municipal Law. In cases where it is determined that the procurement of goods and/or services is not subject to the advertised, sealed competitive bidding procedures of Section 103, the Board will note in its minutes the reasons on which it was determined that advertised, sealed competitive bidding was not required. If the Board determines by the foregoing method that General Municipal Law Section 103 advertised, sealed competitive bidding does not apply, then the following policies and procedures shall apply. In the event General Municipal Law Section 103 does apply, then the following policies and procedures shall not be applicable. The requirements set forth below shall be deemed to be the minimum requirements for procurement. All procuring officials shall use their best efforts to investigate alternative suppliers to facilitate the acquisition of goods and services of maximum quality at the lowest cost and to avoid even the appearance of favoritism, extravagance, fraud and corruption.

1. All estimated purchases of goods with a value of less than Ten Thousand and 00/100 (\$10,000.00) Dollars but at least Seven Thousand Five Hundred and 00/100 (\$7,500.00) Dollars, shall require written quotes from at least three (3) vendors.
2. All estimated public works contracts with a value of less than Twenty Thousand and 00/100 (\$20,000.00) Dollars but at least Seven Thousand Five Hundred and 00/100 (\$7,500.00) Dollars, shall require written quotes from at least three (3) contractors.
3. All estimated purchases of goods and public work contracts with a value of less than Seven Thousand Five Hundred and 00/100 (\$7,500.00) Dollars but at least Four Thousand and 00/100 (\$4,000.00) Dollars, shall require written quotes from at least two (2) vendors.
4. All estimated public work contracts with a value of less than Four Thousand and 00/100 (\$4,000.00) Dollars shall require at least two (2) verbal quotes which shall be documented by the procurement officer or other Village Officer or employee responsible for compiling the quotes.
5. All estimated purchase of goods with a value of less than Four Thousand and 00/100 (\$4,000.00) Dollars but at least Five Hundred and 00/100 (\$500.00) Dollars shall require at least two (2) verbal quotes which shall be documented by the procurement officer or other Village Officer or employee responsible for complying quotes.
6. All estimated purchases of goods with a value of less than Five Hundred and 00/100 (\$500.00) Dollars shall requires no quotes from vendors prior to the purchase. Responsible price comparison should be exercised.

Section B. If written quotes as required above cannot be obtained after due diligence, properly documented, verbal quotes may be obtained instead. When there is no possibility of competition (*i.e.*, sole source items), competitive quotes do not need to be obtained, but clear written documentation shall be set forth and maintained justifying the need for a sole source item, and the facts supporting the conclusion that the item to be procured is a sole source.

Section C. Excepted from these Procurement Policies and Procedures are the following, provided alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers of the political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption:

1. General Municipal Law Section 103(3) (certain county contracts).
2. General Municipal Law Section 104 (certain State contracts).

3. State Finance Law Section 175-b (certain contracts with agencies for the blind or severely handicapped).
4. Correction Law Section 186 (certain contracts involving articles manufactured in State Correction Institutions).
5. General Municipal Law Section 103(4) (certain public emergencies requiring immediate action).
6. General Municipal Law Section 103(6) (Surplus and second-hand supplies, materials or equipment may be purchased without competitive bidding from the federal government, the state of New York or from any other political subdivision, district or public benefit corporation).

Section D. Whenever any contract is awarded to other than the lowest responsible dollar vendor the reasons for such an award must be documented.

Section E. This policy also requires the adequate documentation of all actions taken. The planning, gathering and execution of such documentation should include the Board’s consideration of the costs versus the benefits rule. Documentation which may be required include Board resolutions, memoranda, written quotes, telephone logs (for verbal quotes), requests for proposals, contracts and other appropriate forms of documentation including checklists and flowcharts.

Section F. Further excepted from these Procurement Policies and Procedures are professional service contracts (e.g., legal, engineering, planning) which do not, by the education required and professional nature of the service provided, lend themselves to procurement through solicitation.

Section G. The unintentional failure to fully comply with the provisions of these provisions shall not be grounds to void action taken or give rise to a cause of action against the Village or any officer or employee thereof.

Section H. The Board of Trustees shall annually review these policies and procedures, and amend as necessary or desired.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Jackson, seconded by Trustee Egan, to accept the minutes of the regular meeting held May 26, 2009.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Crouse, seconded by Trustee Jackson, to approve Abstract 1, Vouchers #20090001 - #20090079, totaling \$280,589.97.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

c. Use of Building Request:

Motion was offered by Trustee Crouse, seconded by Trustee Egan, to approve the request received from the Girl Scouts to use the meeting room 7PM-9PM on September 17, October 15, November 19, December 17, January 21, February 18, March 18, April 15, May 20, June 17 for leader meetings; October 3 9AM-1PM for “Leadership Essentials”; December 3 7PM-8:30PM “Intro to Journeys” and Feb 20 9AM – 4PM for CPR/First Aid.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

d. Membership Applications – Fire Department:

Motion was offered by Trustee Jackson, seconded by Trustee Flood, to accept the application for membership for Patrick Hentze to the Highland Mills Fire Company, with time credited to May 2008. Physicals have been administered and documentation received.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

Motion was then offered by Trustee Jackson, seconded by Trustee Egan, to accept the application for membership for Matthew Guerrieri to the Central Valley Fire Company, with time credited to March 2008. Physicals have been administered and documentation received.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

e. Fire Department Equipment Requisition 2009-05:

Chief Jones submitted a requisition for the purchase of a rope rescue system. Chief Jones explained the system is for pulling individuals up from steep, low-level grades. Trustee Jackson asked if the system is compatible with the UTV and the Chief stated it was. Trustee Egan stated only one written quote was received and asked if the quote was from state bid. Chief Jones stated he was unsure but if not, he will obtain an additional quote. If it is, he will obtain the contract number. Mayor Queenan stated he believes this is a valuable and necessary piece of equipment and the issue will be discussed at the next meeting when more price information is received.

III. Old Business:

a. Adoption of Local Law – Flood Damage Prevention:

Correspondence was received from the County stating they recommend the law be adopted. Attorney Golden stated it would be appropriate to take the necessary SEQRA action prior to adopting the law.

Motion was offered by Mayor Queenan, seconded by Trustee Crouse, to declare the Village Board of the Village of Woodbury as Lead Agency in the action to adopt a local law entitled “Flood Damage Prevention”.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

Motion was then offered by Mayor Queenan, seconded Trustee Crouse, to type this action as being unlisted.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

Motion was then offered by Mayor Queenan, seconded by Trustee Crouse, to declare this action as having a negative declaration on the environment.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

Motion was then offered by Trustee Egan, seconded by Trustee Crouse, to adopt Local Law 3 of 2009 amending Chapter 159 entitled “Flood Damage Prevention” to comply with the floodplain management requirements of the National Flood Insurance program as printed on pages ____ to ____ of this minute book.

ADOPTED BY ROLL CALL AS FOLLOWS:

| | |
|----------------|------|
| Mayor Queenan | AYES |
| Trustee Crouse | AYES |
| Trustee Egan | AYES |
| Trustee Flood | AYES |

Trustee Jackson

AYES

b. Home Rule Legislation – Special Districts:

Correspondence was received from Senator Larkin regarding Senate Bill S.5511-A and Assembly Bill A.2698-A which would authorize the Village of Woodbury to transfer the operation of the special districts and improvements districts of the Town of Woodbury that are wholly contained in the Village of Woodbury to the Town of Woodbury. Motion was offered by Trustee Egan, seconded by Trustee Flood, to authorize the Mayor and Clerk to execute the necessary home rule legislation documents.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

c. Schedule Worksession – Proposed Sign Ordinance Review:

Motion was offered by Trustee Crouse, seconded by Trustee Egan, to schedule a worksession to be held on June 15, 2009 at 7PM at the Highland Mills Firehouse for the purpose of the Board reviewing the proposed sign ordinance, and whatever other issues may arise.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

IV. New Business:

a. Liquor License Application Notification:

Clerk Potvin stated notification was received on May 27, 2009 from Peppy and Eddy’s Restaurant of their intention to renew their liquor license. Correspondence was also received from Chief Kwiatkowski stating his department has no objection to the application. Clerk Potvin will send a letter to the NYS Liquor Authority informing them the Village has no objection to the application.

V. Board Member/Department Comment:

Trustee Crouse reminded the public that Saturday, June 12, the Ambulance Corps will be holding their annual “Family Fun Day” and the Lions Club will be holding their annual community yard sale.

VI. Public Comment:

Maria Hunter asked if the Chamber of Commerce members can have an extension for submitting their comments on the draft sign law since the member representing the Chamber (Frank Collins) on the Sign Committee only got the members a copy of the law last week. She stressed that communication is not coming back to the business community. Clerk Potvin noted that, since the law is in draft form, it should not have been distributed to the public as of yet so accepting comments would not be appropriate, especially from one specific section of the community. Mayor Queenan stated he asked Mr Collins for an executive summary to be submitted, not comments from individual members of the Chamber. Trustee Crouse stated the executive summary should be submitted by Noon on June 12 to the Maria Rubio in the Building Department so Board members have time to review it for the June 15 worksession. Mrs. Hunter then asked for an update on the Harriman Common sign noting that one side of it is missing. Mayor Queenan stated he knows the Town Board is aware of the issue and is currently in negotiations with the owners. He suggested Mrs. Hunter obtain an update from Supervisor Burke since the sign falls under the preview of the Town. Mrs. Hunter then announced that Woodbury Community Day will be held on September 12 this year.

VII. Adjournment:

With no further comments received or business to discuss, a motion was offered by Trustee Crouse, seconded by Trustee Egan, to adjourn the meeting at 8:20PM.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson

NOES 0

Desiree Potvin, Village Clerk