

Minutes of the Village Board Meeting held at Town Hall on February 27, 2014 7PM

Present: Michael Queenan, Mayor  
Neil Crouse, Timothy Egan, Thomas Flood and David Sutz, Trustees

Absent: None

Also Present: Jessica McClennan, Deputy Village Clerk/Treasurer; Karen Unger, Zoning Board; James DiSalvo, County Legislator; Fred Ungerer, Town Parks Commissioner; James Skoufis, Assemblyman; Robert Hunter, Town Councilman; Maria Hunter, Planning Board

**I. Public Hearing:**

a. Tax Cap Override:

A public hearing was held to entertain public comments on the adoption of Local Law 1 of 2014 entitled "Tax Cap Override" which would authorize the Village Board of Trustees to override the property tax cap, as defined in Section 3-c of General Municipal Law, for the FY2014/2015, if deemed necessary. The public notice was printed in the Times Herald Record on February 16, 2014 and the following comments were received:

Mayor Queenan noted the budget process is just beginning but the law is needed in case it becomes necessary to override the tax cap.

With no further comments received a motion was offered by Trustee Flood, seconded by Trustee Sutz, to close the public hearing.

**ADOPTED**      AYES    5            Queenan, Crouse, Egan, Flood, Sutz  
                     NOES    0

Motion was then offered by Trustee Egan, seconded by Trustee Flood, to adopt the following local law override the tax levy limit established in General Municipal Law §3-c:

**Section 1. Legislative Intent**

It is the intent of this local law to allow the Village of Woodbury to adopt a budget for the fiscal year commencing June 1, 2014 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**Section 3. Tax Levy Limit Override**

The Board of Trustees of the Village of Woodbury, County of Orange, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2014 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

**Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Mayor Queenan	AYES
Trustee Crouse	AYES
Trustee Egan	AYES
Trustee Flood	AYES
Trustee Sutz	AYES

**II. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Crouse, seconded by Trustee Egan, to accept the minutes of the meeting held February 12, 2014.

<b>ADOPTED</b>	AYES	5	Queenan, Crouse, Egan, Flood, Sutz
	NOES	0	

b. Approval of Abstract:

Motion was offered by Trustee Sutz, seconded by Trustee Crouse, to approve Abstract 18 containing vouchers 131111 – 131167 and totaling \$111,364.89.

<b>ADOPTED</b>	AYES	5	Queenan, Crouse, Egan, Flood, Sutz
	NOES	0	

c. Membership Application for Fire Department:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to accept the application for membership to the Highland Mills Fire Company received from Avery Javier.

<b>ADOPTED</b>	AYES	5	Queenan, Crouse, Egan, Flood, Sutz
	NOES	0	

**III. Old Business:**

EXTRA ITEM – Receipts of Bids – Building Department Vehicles:

Clerk Potvin noted that a bid opening was held on February 25 for the purchase of three Dodge Durango’s for the Building Department. The public notice was printed in the Times Herald Record on February 16, 2014. Only one bid was received and it was from Chrysler Jeep Dodge of Warwick for the amount of \$27,747 per truck. After the bidding was let, it was determined that the vehicles are on the State’s bid list. Therefore, a motion was offered by Trustee Egan, seconded by Trustee Crouse, to reject the bid received and purchase the three trucks from state bid for the amount of \$26,073.51.

<b>ADOPTED</b>	AYES	5	Queenan, Crouse, Egan, Flood, Sutz
	NOES	0	

**IV. New Business:**

a. Schedule Public Hearing – Formation of Street Lighting District:

Mayor Queenan noted this item was tabled.

b. Discussion – Casino’s:

Mayor Queenan stated he will explain to the public what he knows about the casinos to date. About nine days ago he was notified that there was gaming companies interested in constructing in Woodbury near the train station area. There are three companies interested in Orange County and he has met with two of them. At first he thought the idea was crazy but when he learned of the financial

benefits he decided it needed serious consideration. According to the information provided to him, NYS Taxing Laws state that about 65% of the gaming entities gross revenues are given to the State. 10% of that 65% is split between the host County and host municipality. The entities that he spoke to are projecting earnings of \$300 - \$400 million. This would be in addition to property and sales taxes paid. There is also a benefit of the jobs that will be created (they told him positions will have an average salary of \$45,000). They are looking to build a 400 room hotel, conference center with an entertainment venue and high quality dining. He did stress his concerns about traffic, water and sewage and they have stated they will pay to do mitigation plans. He has since spoken to many residents and has not heard any negatives, but many are reserving their opinion until more information is available. The developers are looking for a letter from the host municipality stating that there may be an interest in a casino being within their boundaries. This letter must be included with their application to the State. Without the letter, they will not be considered by the board that is designated by the Governor to decide which application will be approved and where they will be allowed within the State. He added that he did ask if they would be seeking a tax abatement and was informed they would not be.

Trustee Sutz stated he has personally been to a casino that is owned by one of the proposed developers (Hollywood, Florida - Hard Rock). He said it seemed very nice and had been open for about five years. He does have concerns about the traffic but added that the train system and buses would help mitigate it. He noted they also proposed the construction of interior roads from the train station to their site so there would be less traffic on Route 17. The biggest benefit he sees for Woodbury is the jobs and revenue with no impact to the school district. He agrees we should investigate further but not commit to doing it until all the facts and information are received, noting that if the State denies the application then the issue is moot. At this point the casinos are looking for a letter from the Village to the State saying we are interested in looking at this issue further. It is not to commit to approving or disapproving the casino.

Trustee Crouse stated he had the opportunity to speak to 25-30 individuals and all agreed that judgment should be reserved until it is known what is proposed and if it is approved for our area. He noted that if the casinos end up being approved for Sullivan County we can still expect to experience increased traffic. He agrees the benefits financially will have a big impact to the residents and school district but noted that we are at a beginning stage and feels we should keep an open mind.

Trustee Flood stated he agrees we should keep an open mind, noting it is a great financial opportunity but comes with negatives (traffic, water and sewer). He added that although this could bring revenue, it will also bring more expenses (more police and fire personnel needed). He feels we need to keep an open mind and listen to our community.

Trustee Egan stated he does not disagree with what has been said by his other Board members but he is not convinced we will be making a significant amount of money. He feels that any money received would go to pay for improvements to our staffing (police, fire) and infrastructure (sewer, Ramapo River). He feels the possible revenue we could receive should not be driving our decisions and that the biggest problem he has is how the casino will influence the community. In his experience the areas a few blocks away from a casino are not pretty. He has concerns but is mostly interested in what the public would say. If the public wants it then he would vote that way and he will keep an open mind.

Mayor Queenan agreed that we may need to construct a Fire Department sub-station, which the casino would pay for. He feels the revenues that would be realized could cause us to never have the need to bond again and could subsidize the tax levy. He agrees that sewer capacity is an issue that needs to be addressed. He also agreed the police could be an issue but feels that the casino will also be employing their own security. He hopes that over the next few weeks we can get more public input. He ended his comments but noting that costs are continually increasing, especially with the litigation that has been experienced with neighboring communities.

EXTRA ITEM – Resolution – Village Involved Agency in Monroe/Kiryas Joel Annexation Petition:  
Motion was offered by Trustee Crouse, seconded by Trustee Flood, to adopt the following resolution:

**WHEREAS**, the proposed Annexation currently involving the Town of Monroe and the Village of Kiryas Joel has referenced the Town of Woodbury; and

**WHEREAS**, information in the public domain indicates that the land in the Village of Woodbury may have some involvement in this aforesaid Annexation Petition currently pending; and

**WHEREAS**, the Village of Woodbury needs to be appropriately informed of all developments in that Annexation Petition process since that process has impacts on the Village of Woodbury and its Residents; and

**WHEREAS**, the Village of Woodbury has not been provided with any appropriate notice of the foregoing by the Town of Monroe or the Village of Kiryas Joel;

**NOW THEREFORE**, the Village of Woodbury adopts this Resolution.

1. All of the "Whereas" clauses set forth herein are adopted and incorporated herein by reference.
2. Feerick Lynch MacCartney, Esqs. as Special Counsel for the Village is hereby authorized and directed to inform all appropriate agencies, boards and entities that the Village of Woodbury shall be considered as an Involved Agency or Interested Agency, as the law provides, and that Special Counsel is to review and take all actions in this Annexation Petition process to make certain that the rights of the Village of Woodbury and its Residents are protected at all times.
3. This Resolution shall be in full force and effect immediately.

**ADOPTED**      AYES    5            Queenan, Crouse, Egan, Flood, Sutz  
                     NOES    0

**V. Board Member/Department Comment:**

Legislator DiSalvo introduced himself to the Board and public and provided his contact information. He noted that the casino issue is huge and agrees the Board has legitimate concerns and there are legitimate benefits.

**VI. Public Comment:**

Maria Hunter noted that the annual Woodbury Community Day event is scheduled for September 13 and will return to Smith Clove Road this year. Information is available on their website [www.woodburyday.org](http://www.woodburyday.org).

Matthew Higgins asked if the new County Executive was requested to pursue the lawsuit against Kiryas Joel regarding the pipeline. Mayor Queenan stated the issue was brought to his attention. Construction is currently in hiatus for the winter and will most likely begin again in March. The County site inspector checks their work and when they are near our water system we have an employee present. Mr. Higgins asked if the location of the pump house was known and Mayor Queenan stated he believes it is on County Route 44/Ridge Road. Mr. Higgins stated he is concerned about the pump house being in a residential area and Trustee Crouse noted that all of the Village pumps are in residential areas. Mr. Higgins stated he is concerned about the ground sinking in causing a sink hole and that the Village Board needs to fight with the County over this. Mayor Queenan assured Mr. Higgins that the Village is monitoring the work being done.

*The following is a summary of comments made about the casino discussion the Board held earlier in the meeting by members of the public:*

Ronald Prestia stated he does not agree that the casinos will not seek a tax abatement and feels that crime, vehicle accidents and DWI/DUI's will increase. He also feels that at least an additional six police officer will need to be hired since our quality of life will be affected by the drugs and prostitution that will come with the casino. He urged the Board to continue cautiously.

Robin Crouse stated she also has many concerns about the proposed casino. She asked that the Board explain the letter that the casino developers are looking for and the Mayor explained it again. Mrs. Crouse then noted she appreciates the Boards enthusiasm for discussing it publicly and suggested a public forum be held if the Governor's office approves the application. She also suggested the casino company be required to attend the public forum and present their proposal to the public.

Karen Ungerer stated she is against casinos coming to Woodbury, citing that the area already has enough traffic and crime. She feels this would affect the traffic study that was done in connection with the reconstruction of the Route 32/6/17 corridor. She also feels that our local businesses would suffer from a loss of revenue. She did some online research and since the casinos have been built in Atlantic City revenues have declined, poverty level has been effected 6.8%, crime is three times higher than the surrounding areas and the unemployment rate is up. She feels the casinos will drain our resources, which is the same reason the Board has stated they are against annexation.

Fred Ungerer stated he is neutral on situation, noting that areas outside the casinos in Atlantic City and Las Vegas were just as desolate before the casinos as they are now. He feels that if a number of casinos are permitted to be constructed in the same area then that could affect their success. He added that he hopes the Board does its due diligence.

Ralph Caruso stated the sales tax collected from a casino will be distributed throughout the county just as unfairly as the sales tax that is collected from Woodbury Common. He also feels that the casino will seek a tax abatement. He feels that if the Board agrees to submit a letter with the casinos application to the State it will be perceived that you have approved it. He also noted that if these companies wish to have a casino they should follow proper protocol and appear before the Zoning Board and Planning Board.

John Baranowski stated he feels a casino, and what it brings with it, is contrary to what our community is. He feels that our community is one with family values. He does not feel that the Board should submit a letter of interest.

Carol Mullooly stated she feels that quality of life is very important and that the casino is a bad idea as it will change Woodbury forever. She feels the letter should not be sent and that we need to learn from the mistakes we made with Woodbury Common.

William Mullooly stated even if the casino hires private security our Police Department would still be responsible for arrests, which will then go through our Justice Court. He feels this will increase our crime statistics causing our Town to not be considered a satisfactory place to live.

Donald Siebold stated the application should go before the Zoning Board. He also feels the Board is moving too fast and is putting the community in compromise.

Maria Hunter thanked the Board for informing the public on the issue and providing the information that they have. She noted that there is currently no application before the Planning Board for a casino.

#### **VII. Adjournment:**

With no further business to discuss or comments received, a motion was offered by Trustee Sutz, seconded by Trustee Flood, to adjourn the meeting at 8:10PM.

**ADOPTED**      AYES    5            Queenan, Crouse, Egan, Flood, Sutz  
                     NOES    0

Desiree Potvin, Village Clerk