

Minutes of the Village Board Meeting held at Town Hall on August 23, 2018 at 7PM

Present: Michael Queenan, Mayor  
Neil Crouse, Thomas Flood and Anthony Mickolajczyk, Trustees  
Absent: Timothy Egan, Trustee  
Also Present: Sandra Capriglione, Christopher Gerver and Maria Hunter, Planning Board; Robert Hunter, Town Council; Ashley Torre, Attorney for the Village

**I. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Flood, seconded by Trustee Mickolajczyk, to accept receipt of the minutes of the meeting held August 9, 2018.

<b>ADOPTED</b>	AYES	4	Queenan, Crouse, Flood, Mickolajczyk
	NOES	0	
	ABSENT	1	Egan

b. Approval of Abstract:

Motion was offered by Trustee Crouse, seconded by Trustee Flood, to approve Abstract 6, containing vouchers 180457- 180555 and totaling \$150,007.54.

<b>ADOPTED</b>	AYES	4	Queenan, Crouse, Flood, Mickolajczyk
	NOES	0	
	ABSENT	1	Egan

**II. Old Business:**

a. Authorize Mayor to Sign - Agreement with H2M Architects & Engineers:

Motion was offered by Trustee Flood, seconded by Trustee Crouse, to authorize the Mayor to sign an agreement with H2M Architects & Engineers for their services to be provided to the Village for various departments. Mayor Queenan explained is this a formality due to the firm changing from Riddick Associates to H2M which should have been done a few years ago.

<b>ADOPTED</b>	AYES	4	Queenan, Crouse, Flood, Mickolajczyk
	NOES	0	
	ABSENT	1	Egan

**III. New Business:**

a. Resolutions for Grant Funding - Water Infrastructure Improvement Act:

Motion was offered by Trustee Flood, seconded by Trustee Crouse, to adopt the following a resolution approving the submission of a grant application and execution of a grant contract with the Environmental Facilities Corporation for grant funding through the Water Infrastructure Improvement Act (WIIA) for the Village of Woodbury's Pleasant Drive Watermain Replacement project:

**BE IT RESOLVED** that the Village of Woodbury Board of Trustees formally approves the grant application for the above stated project; and be it

**FURTHER RESOLVED** that the Village of Woodbury Board of Trustees does hereby classify this as a Type II action under the State Environmental Quality Review Act inasmuch as the project involves replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site [6 NYCRR §617.5(c)(2)]. As such, this project is not subject to review under the State Environmental Quality Review Act; and be it

**FURTHER RESOLVED** the Board, the Clerk, and Engineer are hereby authorized to submit an electronic grant application and supporting materials to the Environmental Facilities Corporation on behalf of the Village of Woodbury; and be it

**FURTHER RESOLVED** that Mayor Michael Queenan, and the Clerk are hereby authorized to sign the grant agreement on behalf of the Village of Woodbury and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

<b>ADOPTED</b>	AYES	4	Queenan, Crouse, Flood, Mickolajczyk
	NOES	0	
	ABSENT	1	Egan

Motion was then offered by Trustee Crouse, seconded by Trustee Mickolajczyk, to adopt the following approving the submission of a grant application and execution of a grant contract with the Environmental Facilities Corporation for grant funding through the Water Infrastructure Improvement Act (WIIA) for elevating the Village of Woodbury’s Well House No. 1:

**BE IT RESOLVED** that the Village of Woodbury Board of Trustees formally approves the grant application for the above stated project; and be it

**FURTHER RESOLVED** that the Village of Woodbury Board of Trustees does hereby classify this as a Type II action under the State Environmental Quality Review Act inasmuch as the project involves replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site [6 NYCRR §617.5(c)(2)]. As such, this project is not subject to review under the State Environmental Quality Review Act; and be it

**FURTHER RESOLVED** the Board, the Clerk, and Engineer are hereby authorized to submit an electronic grant application and supporting materials to the Environmental Facilities Corporation on behalf of the Village of Woodbury; and be it

**FURTHER RESOLVED** that Mayor Michael Queenan, and the Clerk are hereby authorized to sign the grant agreement on behalf of the Village of Woodbury and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

<b>ADOPTED</b>	AYES	4	Queenan, Crouse, Flood, Mickolajczyk
	NOES	0	
	ABSENT	1	Egan

Motion was then offered by Trustee Mickolajczyk, seconded by Trustee Flood to adopt the following resolution concluding the review for environmental impacts under the State Environmental Quality Review Act (SEQRA) associated with the development of a New Well Supply Source (Legacy Ridge) along Trout Brook Road:

**BE IT RESOLVED** that the Village of Woodbury Board of Trustees, having complied with the notice requirements under SEQRA does hereby declare itself Lead Agency to conduct SEQRA review regarding the development of a New Well Supply Source (Legacy Ridge) along Trout Brook Road; and be it

**FURTHER RESOLVED** that the Village of Woodbury Board of Trustees does hereby classify this as an Unlisted action under the State Environmental Quality Review Act inasmuch as the project is “not identified as a Type I or Type II action in this Part, or, in the case of a particular agency action, not identified as a Type I or Type II action in the agency’s own SEQR procedures” [6 NYCRR §617.2(ak)]; and be it

**FURTHER RESOLVED** that the Village of Woodbury Board of Trustees, upon reviewing Part I, II, & III of the Environmental Assessment Form and supplementary materials does hereby declare a negative declaration of environmental impact associated with the development of New Well Supply Source (Legacy Ridge) along Trout Brook Road.

<b>ADOPTED</b>	AYES	4	Queenan, Crouse, Flood, Mickolajczyk
	NOES	0	
	ABSENT	1	Egan

Motion was then offered by Trustee Crouse, seconded by Trustee Flood, to adopt the following resolution approving the submission of a grant application and execution of a grant contract with the Environmental Facilities Corporation for grant funding through the Water Infrastructure Improvement Act (WIIA) for a New Well Supply Source (Legacy Ridge) along Trout Brook Road:

**BE IT RESOLVED** that the Village of Woodbury Board of Trustees formally approves the grant application for the above stated project; and be it

**FURTHER RESOLVED** the Board, the Clerk, and Engineer are hereby authorized to submit an electronic grant application and supporting materials to the Environmental Facilities Corporation on behalf of the Village of Woodbury; and be it

**FURTHER RESOLVED** that Mayor Michael Queenan, and the Clerk are hereby authorized to sign the grant agreement on behalf of the Village of Woodbury and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

<b>ADOPTED</b>	AYES	4	Queenan, Crouse, Flood, Mickolajczyk
	NOES	0	
	ABSENT	1	Egan

b. Resolution - Acceptance/Adoption of Multi-Jurisdictional Hazard Mitigation Plan:

Motion was offered by Trustee Flood, seconded by Trustee Mickolajczyk, to adopt the following This is a resolution to authorize the acceptance and adoption of the multi-jurisdictional hazard mitigation plan update for Orange County, New York:

**WHEREAS**, the Orange County Department of Emergency Services, with the assistance from Barton & Loguidice, D.P.C., has gathered information and prepared the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, New York; and

**WHEREAS**, the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, New York has been prepared in accordance with the Disaster Mitigation Act of 2000 and Title 44 Code of Federal Regulations (CFR), Part 201; and

**WHEREAS**, Title 44 CFR, Chapter 1, Part 201.6(c)(5) requires each local government participating in the preparation of a Multi-Jurisdictional Mitigation Plan or Plan Update to accept and adopt such plan; and

**WHEREAS**, the Village of Woodbury, has reviewed the 2018 Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, has found the document to be acceptable, and as a local unit of government, has afforded its citizens an opportunity to comment and provide input regarding the Plan Update and the actions included in the Plan;

**WHEREAS**, the Village of Woodbury, will consider the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County during the implementation and updating of local planning mechanisms, and will incorporate the hazard assessment data, hazard vulnerabilities, and mitigation actions in these mechanisms, where applicable.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Village of Woodbury, as a participating jurisdiction, adopts the Multi-Jurisdictional Hazard Mitigation Plan Update for Orange County, New York, dated April 2018.

<b>ADOPTED</b>	AYES	4	Queenan, Crouse, Flood, Mickolajczyk
	NOES	0	
	ABSENT	1	Egan

**IV. Public Comment:** *There were no public comments received.*

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

Trustee Mickolajczyk wished everyone a fun and safe Labor Day.

Mayor Queenan clarified some comments that have been made in the public that are inaccurate. He stressed that the Village Board is not closing the Central Valley Firehouse and there is no plan to do so. With regards to resources to be supplied to the proposed Garden at Harriman Station, this project is currently before the Planning Board and has not received any approvals at this time. If and when resources may be needed for this development, they will be in addition to current resources and will be studied and planned for at the appropriate time. He added as public officials we are required to hold meeting open to the public and at these meetings issues are discussed that effect the current and future needs of the community. He feels it is unfortunate that some individuals take these discussions out of context to future their own agendas. He then urged residents to conduct their research to make informed decisions and to not rely on information put forth on social media as their sole source. All Board members are available to meeting with the public at any time about any issue without limitations.

**VI. Adjournment**

With no further business to discuss or comments received, a motion was offered by Trustee Flood, seconded by Trustee Crouse, to adjourn the meeting at 7:10PM.

<b>ADOPTED</b>	AYES	4	Queenan, Crouse, Flood, Mickolajczyk
	NOES	0	
	ABSENT	1	Egan

Jessica McClennan, Deputy Village Clerk

**WORKSESSION WITH CONSULTANTS – WIRELESS TELECOMMUNICATIONS LAW REVISIONS**

Michael Musso of HDR was present to discuss the proposed revisions to the Village’s Wireless Telecommunications Law. The Board had entered into a moratorium in April that runs through November 4th.

Mr. Musso provided the Board with a handout (Streets and Land Use Map, Summary of FCC Rules and Regulations for Wireless Telecommunications Facilities, and Draft Edits of the local law revisions). Mr. Musso explained that much has happened in the world of telecommunications since the law was written. Cell sites are now being broken up for various reasons; carriers will begin to roll out 5G in the next year to 24 months. There are needs for different types of infrastructure.

Mr. Musso explained that the Code revisions address the process for small cells, add definitions based on new technology, add things on aesthetics, and address minor and major modifications. There are also types of applications that can go to the Building Department, with the ability to refer an application to the Planning Board for more extensive review based on things like aesthetics or sensitive receptors.

Mr. Musso went over the existing sell sites on the Streets and Land Use Map and the Summary of FCC Rules and Regulations. It is impossible to say what the Map will look like in 5 years but he believes we will see smaller sites, closer to the ground, with less power, covering smaller footprints.

Mayor Queenan inquired about the health impact of small cells. Mr. Musso discusses relevant research and studies. The EPA and American Cancer Society have deemed there are no health effects. The research and science are a little mixed. Applicants are always asked for health information and that is

still in the Code. Health effects continue to be studied but there is no evidence at this point. Mr. Musso notes that carriers will be required to use more spectrum with 5th Generation; the FCC will need to release many different types of frequencies. Currently the frequencies are a different type of radiation that is not observed to have any cellular effects. As of now in 2018 there is probably nothing more that needs to be codified.

Mr. Musso explained that the Code revisions are considerate of the FCC rulings but are not taking any authority away from the Planning Board to make real decisions on health, sensitive receptors and aesthetics (visuals).

Mayor Queenan asked whether the Village can charge fees for antennas on Village right-of-ways. He believes that the Village should be able to get some revenue. He also asked how new developments with underground infrastructure will be handled. Mr. Musso explained how light poles can be used and that there are different makes and models; aesthetics can be handled. The application fees in the Code have been updated but it does not currently include an annual fee structure or right-of-way use agreement. Mr. Musso will add a right-of-way use agreement into the Code.

Mr. Musso went over the types of small cell applications that will go to the building inspector (50 feet for existing poles and 35 feet in the Village-owned right-of-way). He reminded the Board that the Building Inspector always has the outlet to refer an application to the Planning Board.

There were discussions about the functionality of one small cell at Woodbury Commons. This is a concentrated area and it is possible that other nodes may be proposed in that area. That is where the trend is headed. There will be a high demand for 5G, speed, etc. and the Village wants to keep some control and make sure they are not taking advantage of by phone companies. The Village understands that the Federal guidelines limit their flexibility but they want to ensure they have whatever flexibility they can have to control it.

There were further discussions about the Village's large transportation population, amount of visitors, new development in the area, future hotels and surrounding communities. Mr. Musso talked about the potential to have different zones for the critical transportation corridors, Woodbury commons, etc. Mr. Musso states that the Board's points about the Village's own residents in addition to the amount of visitors, people passing through and staying gives him good perspective to think about some things more closely.

Mr. Musso mentions transit-oriented development and asks about the Village's population base and demographics. The demographics have been pretty stable but the population will grow with the proposed transit development, which will presumably be younger or possibly older people downsizing.

Mayor Queenan notes his concern that the timeline in the Federal regulations for how quickly they need to react to an application and asks what recourse the Village has other than court. Mr. Musso discusses the "shot clock" in the Federal rulings and the concept of a "complete application." He believes there is a lot of recourse in the planning process in protecting and preserving the character of the community. He has been on projects where the shot clock has been invoked and they've always been handled with a grievance with the carriers, as long as there is a process that is moving that works. Aesthetics, sensitive receptors and looking at alternate configurations and sites all would deem an application complete or not, and there is also SEQRA, which has different timeframes that are not congruent with federal laws.

There are discussions about the importance of public hearings. Mr. Musso notes that in the draft Code rewrite certain applications will not go to the Planning Board but the Building Inspector can always refer them.

Mr. Crouse references the minimum 5-year recertification on existing towers. The proposed revisions will streamline the process to make it more efficient by allowing a single tower owner to come in just once rather than having carriers come in at different times.

The Board agrees that the law is very thorough and detailed.

There are additional discussions about multiple carriers using small towers and DAS, potential disruption of roads to run small cells, 8 ft. above-grade requirement for electric meters and shrouds, and types of poles that will be used. The Code has a provision for underground utilities but not for new poles because that would need to go to Planning Board. Mr. Musso will look into adding a provision that small cells on existing poles will need structural support to work without any additional stabilization or guide wires.

Mr. Musso will get in contact with the attorneys and engineer and make some revisions based on the points that were discussed tonight. He will work with the attorneys to set a public hearing or workshop. The Board will review the changes, and decide if it needs another workshop and then schedule a public hearing.

The worksession ended at 8:10 p.m.