

Minutes of the Village Board Meeting held at Village Hall on May 29, 2019 at 7PM

Present: Michael Queenan, Mayor
Timothy Egan, Thomas Flood, Andrew Giacomazza and Jesus Gomez, Trustees
Absent: None
Also Present: Kelly Naughton, Attorney for the Village; Michael Phillips, Water/Wastewater Superintendent; Jessica McClennan, Deputy Village Clerk; Robert Anzalone and Sandra Capriglione, Planning Board

I. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Giacomazza, seconded by Trustee Flood, to accept receipt of the minutes of the regular meeting held May 9, 2019.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Egan, seconded by Trustee Giacomazza, to approve Abstract 24 containing vouchers 182183 – 182350 and totaling \$694,803.84.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

c. Budget Modifications:

Motion was offered by Trustee Egan, seconded by Trustee Gomez, to approve a modification to the budget of the Water/Sewer funds as follows:

- 1) Sewer #1 – Valley Forge –decreasing GV8110.422 (Blacktop) by \$1000 and increasing GV8110.402 (Electric) by \$1000;
- 2) Consolidated Sewer – decreasing GC8110.439 (OC Sewer District) by \$12,815 and increasing GC8110.403 (Heating Oil/Gas) by \$2000, GC8110.443 (I & I Repairs) by \$10,000, GC8110.437 (Special Projects) by \$815;
- 3) Consolidated Water – decreasing FC8310.402 (Electric) by \$25,680 and increasing FC4960 (Fed Assistance – FEMA) by \$38,700, FC8310.200 (Equipment) by \$9500, FC8310.445 (New Meters) by \$16,100, FC8310.469 (Special Projects) by \$38,700 and FC9710.600 (2017 Bond Principal) by \$80

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

Motion was then offered by Trustee Giacomazza, seconded by Trustee Flood, to approve a modification the budget of the Highway Department by decreasing A5130.200 (Machinery Equipment) by \$18,200 and increasing A5010.403 (Heating Oil/Gas) by \$200, A5010.411 (Office Supplies) by \$700, A5010.438 (Maintenance of Building) by \$3100, A5110.407 (Traffic Control) by \$600, A5110.448 (Miscellaneous Repairs) by \$200, A5110.451 (Tools) by \$7000, A5110.452 (Sand/Gravel) by \$300, A5110.464 (Liquid Calcium) by \$750, A5110.465 (Blacktop) by \$1600, A5130.417 (Flares/Oxygen) by \$250, A5130.455 (Tires) by \$1200, A5140.425 (Grounds/Weed Control) \$2300.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

Motion was then offered by Trustee Flood, seconded by Trustee Gomez, to approve a modification to the budget of the Fire Department by decreasing A3410.201 (Equipment - Long-Term)

by \$4146 and increasing A3410.208 (Radio Equipment) by \$1700, A3410.463 (SCBA Testing) by \$2305, A3410.471 (Extinguisher Maintenance) by \$141.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

Motion was then offered by Trustee Gomez, seconded by Trustee Flood, to approve a modification to the budget of various departments in the General Fund by increasing A1120 (Sales Tax) by \$110,170, A2401 (Interest and Earnings) by \$54,000, A2555 (Building Permits) by \$38,190, A1010.411 (VB Office Supply) by \$15, A1410.401 (FOIL Copies) by \$1075, A1410.463 (VC Computer Maintenance) by \$8455, A1420.401 (Attorney – Contractual) by \$30,000, A1440.402 by (Consultants – VH Expansion) by \$80,000, A1440.411 (Planner – Contractual) by \$25,000, A1440.412 (Planner – Planning Board) by \$175, A1610.403 (Gen – Payroll Prep) by \$900, A1610.404 (Gen – Real Estate Taxes) by \$5, A1610.420 (Moving Expense) by \$34,090, A1650.401 (Telephone) by \$4600, A1910.100 (Unallocated Insurance) by \$17,740, A3620.412 (BD – Copier Maintenance) by \$200, A8010.411 (ZB – Office Supplies) by \$75, A8020.411 (PB – Office Supplies) by \$30

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

d. Fire Department Equipment Request:

Motion was offered by Trustee Egan, seconded by Trustee Giacomazza, to approve Fire Department Equipment Request 2019-06 totaling approximately \$4774.20 for the purchase of a chainsaw, power cutter and foam.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

e. Fire Department Membership Application:

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

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

f. Re-Levy of Previously Exempt Properties

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to adopt the following resolution to re-levy a prorated tax amount due on property(ies) located at various locations that was/were previously eligible for an exemption:

WHEREAS, the owner(s) of property was/were eligible for an exemption on property taxes and upon the sale/death this exemption must be removed; and

WHEREAS, notification was received by the Village Clerk on May 16, 2019 from the Woodbury Assessor that prorated amount(s) need to be re-levied onto the FY20/21 taxes for this/these property(ies).

NOW THEREFORE, BE IT

RESOLVED that the Village Board directs the Village Clerk, Village Tax Collector and any other Village official, employee or agent of the Village to take any and all necessary actions to levy and collect the following amounts on the following affected land(s) in the same manner as all other Village Charges and to take any necessary actions to execute and record a lien upon such land:

202-1-49	7 Carroll Drive, HM	\$22.68
250-1-44	5 Elgin Court, HM	\$19.36

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

g. Appointment of Terms Due to Expire Prior to Re-Organization Meeting:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to appoint George Sewitt, Dennis Tenney, Christopher Salvo and Charles Knuth to the Fire Police with a term of June 1, 2019 – May 31, 2020.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

Motion was then offered by Trustee Giacomazza, seconded by Trustee Gomez, to appoint Joseph Buglino to the Planning Board with a term of June 1, 2019 – May 31, 2024.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

Motion was then offered by Trustee Gomez, seconded by Trustee Giacomazza, to appoint Christopher Gerver as Chairman of the Planning Board June 1, 2019 – May 31, 2020.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

Motion was then offered by Trustee Egan, seconded by Trustee Giacomazza, to reappoint Craig Brady to the Zoning Board of Appeals with a term of June 1, 2019 – May 31, 2024.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

Motion was then offered by Trustee Giacomazza, seconded by Trustee Egan, to reappoint Karen Ungerer as Chairman of the Zoning Board of Appeals June 1, 2019 – May 31, 2020.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

II. Old Business:

a. Auction Results – Sale of Surplus Equipment:

The auction closed at 8PM on May 28, 2019 and the following bids were received:

- 1) 1998 Mako SCBA Cascade System - \$6000
- 2) Various Office Furniture - \$14

Motion was offered by Trustee Egan, seconded by Trustee Flood, to accept the auction results and approve the sale of the items as listed.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

It was noted the bid on the rescue truck (\$79,000) was withdrawn so this item will go out to auction again and will be discussed at the June 27 meeting.

b. Change Order #1 – Flood Barrier Project:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to authorize the Mayor to sign Change Order #1 for the Maintenance Buildings & Well No 1 Flood Barriers project totaling \$2612.50. The reason for this modification is the project involved the installation of flood barriers at manway and garage doors. Due to limited storage space within the Water Department Maintenance Building, a container was purchased and delivered to the site to store the flood barriers in a protected environment and for ease of access in the event the barriers are required to be deployed rapidly.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

c. Correction to April 11 Minutes – Dedication Resolution SBL Correction:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to correct the April 11 meeting minutes in relation to the "Resolution to Accept the Dedication of Utility Parcels". The SBL in the resolution as adopted was 254-2-23 and it should be 254-1-23.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

d. Short Environmental Assessment Form for Aeon Stipulation:

Discussion of Short EAF – the Board reviewed the Short Environmental Assessment Form prepared in relation to the AEONN v. Village of Woodbury Stipulation of Settlement. Trustee Flood asked about Part 1, Question 7 ("*Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area*") and why the answer is "not applicable". Trustee Gomez asked about Part 1, Question 10 ("*Will the proposed action connect to an existing public/private water supply*"). Attorney Naughton explained the SEAF is related solely to the stipulation and not the application or project (which had its own EAF with the Planning Board). She further pointed out that all the questions in Part 2 were answered "no" for the same reason.

SEQEA Actions – Motion was then offered by Trustee Egan, seconded by Trustee Giacomazza, to declare the Village of Woodbury Board of Trustees as Lead Agency for this application.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

Motion was then offered by Trustee Giacomazza, seconded by Trustee Flood, to declare this application as being an unlisted action under SEQRA.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

Motion then was offered by Trustee Egan, seconded by Trustee Giacomazza, to determine the stipulation has no significant adverse environmental impacts and to issue a negative declaration.

ADOPTED AYES 4 Queenan, Egan, Giacomazza, Gomez
NOES 1 Flood

Trustee Flood stated he cannot vote in favor of this because he feels the answer should have been "yes" to question #7.

Authorize BMGN to Sign the Stipulation of Settlement – Motion was then offered by Trustee Egan, seconded by Trustee Giacomazza, to authorize Burke Miele Golden Naughton to sign the stipulation of settlement relating to AEONN v Village of Woodbury.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

e. Acceptance and Award of Bid – Pleasant Drive Water Improvements:

A bid opening was held on May 21, 2019 at 2PM for the project entitled "Improvements to Water Distribution System – Pleasant Drive". The public notice was printed in the Times Herald Record on May 2, 2019 and the following bids were received:

TAM Enterprises, Goshen, NY	\$535,000.00
Jorrey Excavating, Middletown, NY	\$568,960.00 (includes correction of mathematical inconsistency)
Boyce Excavating, Slate Hill, NY	\$625,606.00 (includes correction of mathematical inconsistency)
Montana Construction, Lodi, NJ	\$682,520.00

The bids were reviewed by the Village Engineer and they believe competitive proposals were received. Motion was then offered by Trustee Egan, seconded by Trustee Flood, to accept bid and award the contract to TAM Enterprises in the amount of \$535,000.00 for the "Improvements to Water Distribution System – Pleasant Drive" project, pending legal review.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez

NOES 0

f. Acceptance and Award of Bid – Sunset Jupiter Pump Station Generator Replacement:

A bid opening was held on May 15, 2019 at 3PM for the project entitled “Improvements to Wastewater Collection System – Sunset Jupiter Pump Station Generator Replacement”. The public notice was printed in the Times Herald Record on April 30, 2019 and the following bids were received:

Gentech, New Windsor, NY	\$34,290.00
TAM Enterprises, Goshen, NY	\$45,000.00

The bids were reviewed by the Village Engineer and they believe competitive proposals were received. Motion was then offered by Trustee Giacomazza, seconded by Trustee Gomez, to accept the bid and award the contract to Gentech LTD in the amount of \$34,290.00 for the “Improvements to Wastewater Collection System – Sunset Jupiter Pump Station Generator Replacement” project, pending legal review.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

III. New Business:

a. Liquor License Notification – Le Pain Quotidien:

Notice was received on May 2, 2019 that Le Pain Quotidien located at 195 Marigold Court, Central Valley, is applying for a liquor license from the NYS Division of Alcoholic Beverage Control State Liquor Authority. Mayor Queenan stated a letter was sent to the Police Department to determine if there is any reason why the Village should object to this application being approved and they stated there have been no significant incidents that would prohibit the application. Therefore, Village Clerk Potvin was instructed to send a letter to the State Liquor Authority indicating the Village Board has no objection to the application.

b. Liquor License Notification – Iron Chef Hibachi & Sushi Fusion:

Notice was received on May 15, 2019 that Iron Chef Hibachi & Sushi located at 365 Route 32, Central Valley, is applying for a liquor license from the NYS Division of Alcoholic Beverage Control State Liquor Authority. Mayor Queenan stated a letter was sent to the Police Department to determine if there is any reason why the Village should object to this application being approved and they stated there have been no significant incidents that would prohibit the application. Therefore, Village Clerk Potvin was instructed to send a letter to the State Liquor Authority indicating the Village Board has no objection to the application.

IV. Public Comment:

Robin Crouse asked that the stipulation of agreement with AEONN discussed this evening be explained and Mayor Queenan stated it will allow them to proceed with their hotel. Mrs. Crouse asked if the Town Board has contact the Village about another joint meeting. Mayor Queenan stated no date has been set yet but he did have a settlement meeting with Supervisor Palermo this afternoon.

Robert Anzalone stated was informed this afternoon by Maria Hunter that she was not going to be reappointed to the Planning Board. He was baffled that this was happening and feels, with the three big applications that are before the Planning Board, continuity is very important. He believes that having a new Board member will be disruptive. He feels Mrs. Hunter is very dedicated to the town and deserves better, adding he does not feel this is how an individual that has been dedicated to the community should be rewarded.

V. Board Member/Department Comment:

Trustee Giacomazza thanked all the committee that organized the Memorial Day parade. He then asked for an update on the Chamber's Farmers Market. Clerk Potvin stated she believes it will be delayed at least one week as vendors are trying to be secured.

Clerk Potvin recognized and thanked Maria Hunter for the time she served on the Planning Board.

Mayor Queenan noted the Village was given notice by its web designer/host Justin Hunter that effective June 30, 2010 he will be "shutting down his server and no longer hosting or running" the Village website. During this transition it may be possible that the Village will not have a website. Trustee Giacomazza and Clerk Potvin are working on a solution and will have something to present to the Board as soon as quotes are received. He urged residents to be patient while we transition. He also thanked everyone that came out and to watch or participate in the parade.

VI. Adjournment:

With no further business to discuss or comments received, a motion was offered by Trustee Giacomazza, seconded by Trustee Flood, to adjourn the meeting at 7:30PM.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
 NOES 0

Desiree Potvin, Village Clerk