

Minutes of the Village Board Meeting held on October 24, 2019 at 7PM

Present: Michael Queenan, Mayor
Timothy Egan, Thomas Flood, Andrew Giacomazza and Jesus Gomez, Trustees
Absent: None
Also Present: Robert Weyant, Highway Superintendent; John Smith, Town Parks Commissioner

I. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to accept receipt of the minutes of the meeting held October 10, 2019.

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

b. Approval of Abstract:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to approve Abstract 10 containing vouchers 19 - 0798 – 19 -0874 and totaling \$ 387,681.01.

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

c. Fire Department Equipment Request:

Motion was offered by Trustee Egan, seconded by Trustee Gomez, to approve Fire Department Equipment Request 2019-17 totaling approximately \$1,447.44 for the purchase of three scanners for each chief vehicle. These will replace older outdated models in the vehicles.

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

II. Old Business:

III. New Business:

IV. Mayor's Comment:

Mayor Queenan stated that on October 17th there was a press release from Senator Skoufis's office demanding that a train station be a condition of approval of the Woodbury Common expansion. County Legislator Laurie Tautel, Woodbury Supervisor Frank Palermo, and Harriman Mayor Steve Welle joined Senator Skoufis with the demand. Mayor Queenan then stated he finds it troubling that these elected officials who took an oath to uphold the laws of the State of New York would direct people to violate those laws. The Mayor stated he finds Senator Skoufis's actions to be irresponsible and disrespectful to The Planning Board, Village Board and the people of Woodbury.

The Mayor stated he is not against a train station at Woodbury Common. However, as it stands right now, a train station at the Commons would have little impact if any on reducing traffic. A train station at the Commons should be considered once we have a two-track system allowing trains to go north and south simultaneously.

The Mayor then went on to read a letter by Planning Board Attorney Richard Golden in which he responds to Senator Skoufis's press release. He states the following in his letter:

"In your press release and prior letter to the Planning board you request that the Planning Board deny Woodbury Common's pending application unless it agrees to allow, and largely fund a new MTA train station off-site of Woodbury Common's property. As you ought to know, it would be illegal for the Planning Board to do what you demand under both New York and federal law. I will advise the Planning

Board that if they follow your illegal direction that they will expose the Village to substantial liability. You tout that you have secured \$5 million in funding for such a train station project. As you are well aware, the cost of such a train station project will likely exceed \$20 million dollars and such a project would require that Woodbury Common's owners transfer their own property or provide an easement over their property, to the MTA. Under federal constitutional law, if the Planning Board were to follow your directive it would be construed as an unconstitutional per se taking under the Fifth Amendment. Also, New York land use law prohibits the Planning Board from withholding or conditioning an approval unless and until such off-site improvement of a State Authority's property is included in a project by an unwilling applicant.

Perhaps most insidious, however, is your suggestion, echoed in your press release by the present Town Supervisor Palermo, that the Planning Board has the power to deny an application (whether by Woodbury Common or any other property owner in Woodbury), regardless of an applicant's rights under State and local law, simply because you believe that a property owner should fund and transfer private land interests to a public project. The Planning Board is legally not allowed to be swayed by the political interests or generalized opinions of others. The Planning Board must fairly consider every application before it, review and analyze its impacts and act in accordance with the law to approve, deny, or approve with conditions that are lawful.

The Planning Board cannot do what you demand. To suggest otherwise wrongfully puts the Planning Board in a role it cannot legally perform. You are asking the Planning Board to act illegally. It is improper for you to do so."

V. Public Comment

VI. Board Member/Department Comment:

Superintendent Weyant, stated that on November 9, 2019 from 8am-12pm at the Highway Department Garage (24 County Route 105 Highland mills, NY 10930) the Village will be hosting their annual Electronic Drop off/Shredding Day.

Trustee Giacomazza, commented on a letter to the editor of the Photo News that was sent in by the Town Board it was titled "It goes much further than just the cost". Within the letter they try to discredit David Sutz with false statements; throughout the letter they portray Mr. Sutz to be evil. Trustee Giacomazza, states that he finds this to be very disgusting, Mr. Sutz is an active member of the community for a very long time and this is just a desperate attempt to re-elect Frank Palermo. He also would like to know when this letter was discussed and voted on. Instead of blaming themselves for a lawsuit that should never have happened, they are blaming Mr. Sutz. Supervisor Palermo stated that if the Village would give him a million dollars, he would make the lawsuit go away. Trustee Giacomazza, stated that the town could have saved the taxpayers thousands and thousands of dollars all they had to do was pick up the phone. It is all about the money to Supervisor Palermo, and it is not fair to the taxpayers of Woodbury; in the end nobody wins.

Trustee Gomez stated this is no time to get nasty, we all have to live with each other and stop fighting over nonsense. He then stated that the Village Board is available by appointment at any time to answer the public's questions. He also stated that he and Trustee Giacomazza are available on Fridays at Village Hall.

Trustee Egan stated that throughout his adult life he has always strived to act professionally, ethically and honestly and has never brought election politics to the board. He then went on to quote a sentence from a letter submitted by Bo Haviland to the Photo News in which it states the following: "Mr. Egan was recently deposed in the current Village/Town lawsuit stated he voted for whatever Mr. Queenan wanted without even knowing anything about it" Trustee Egan firmly stated that what was

said is an outright lie. He then went on to say it is wrong, and this is the type of thing that turns good people away from being a part of the political process, from coming out to vote, coming to board meetings and not wanting to participate in local government. Due to being in the middle of a lawsuit, that is probably going to trial, depositions can't be posted, however he stated he would love to post it so the taxpayers can know the truth. Trustee Egan, then went on to say that he has never said anything negative or derogatory towards his opponents in all the years he has been in office. The attacks that have been coming from the Democratic team are disgraceful and he has never seen Woodbury politics so ugly before. He then urged the public to come out and vote.

Mayor Queenan, stated he and his board try to keep the board meetings non-political and his response tonight needed to be stated because Senator Skoufis was throwing our Planning Board under the bus and asking them to break the law. He also stated that when someone makes a statement lying about Village affairs, he needs to respond to that too. Mayor Queenan, then stated he has reached out to Supervisor Palermo multiple times to try to resolve it and he doesn't want to. When they say it isn't about the cost, it is, the Village has spent over \$63,000.00. He also stated that the Town Board members voted for the land swap, however; in their depositions they all state they didn't know what was being swapped and the Village has proof that the Town Board members lied under oath. Mayor Queenan, then goes on to say that he has never seen politics like this before and it is not just here in Woodbury but clear across the world; he is saddened that people automatically attack instead of talking to each other and trying to fix their differences. He stated it is disgraceful that people are attacking David Sutz's character, and that David is one of the most ethical people he knows. The Mayor then reminded the residents that the polling place for Districts 5 & 6 have changed to the Woodbury Community Center located on Sid Felter Lane within the Reservoir.

VII. Adjournment:

With no further business to discuss or comments received, a motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to adjourn the meeting at 7:26 PM.

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

Jessica McClennan, Deputy Village Clerk