

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

Present: Michael Queenan, Mayor  
Timothy Egan, Thomas Flood, Andrew Giacomazza, Jesus Gomez, Trustees  
Absent: None  
Also Present: Sandra Capriglione and Maria Hunter, Planning Board

**I. Administrative Business:**

a. Acceptance of Minutes:

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

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

b. Approval of Abstract:

Motion was offered by Trustee Flood, seconded by Trustee Egan, to approve Abstract 16 containing vouchers 181425 – 181503 and totaling \$947,351.77.

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

c. Budget Modification:

Motion was offered by Trustee Egan, seconded by Trustee Giacomazza, to approve a modification to the 2018/2019 budget as follows:

- 1) Consolidated Sewer totaling \$11,000 by increasing GC2680 (Insurance Recoveries) by \$11,000, GC8110.453 (Vehicle Repairs) by \$11,000;
- 2) Consolidated Water totaling \$800 by decreasing FC8310.415 (Engineer) by \$800 and increasing FC8310.461 (SCA Agreement) by \$800;
- 3) Sewer District #1 totaling \$148 by decreasing GV8110.415 (Engineer) by \$148 and increasing GV8110.410 (Bonding Expenses) by \$148

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

d. Fire Department Equipment Request:

Motion was offered by Trustee Egan, seconded by Trustee Gomez, to approve Fire Department Equipment Request 2019-02 totaling approximately \$216.88 for the purchase of a CO detector and iPad accessories for Ladder 503.

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

e. Appointment to the Zoning Board of Appeals:

Motion was offered by Trustee Egan, seconded by Trustee Giacomazza, to appoint Craig Brady to the Zoning Board of Appeals effective immediately to fill the vacancy made by Trustee Giacomazza.

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

**II. Old Business:**

a. Acceptance of Bids – Flood Barrier Project:

Clerk Potvin noted the bid notice was printed in the Times Herald Record on December 3, 2018 and the bid opening was held on December 19, 2018. The following bids were received:

TAM Enterprises, Goshen, NY	\$83,311.00
Cypreco Industries, Neptune, NJ	\$97,212.00
Malum Enterprises, Monroe, NY	\$98,000.00
Rapid Pump & Meter, Paterson, NJ	\$158,435.00

It was noted this project is being funded by FEMA through a hazard mitigation provision of the disaster assistance program in connection with damage sustained during Hurricane Irene. This project was also previously bid in March 2017 with only one bid received in the amount of \$151,881. An interior double door barrier was removed from the bid and the project now received four bids. Engineer Lindsay submitted correspondence stating he believes the low bid is a competitive price for the work. Motion was then offered by Trustee Giacomazza, seconded by Trustee Gomez, to accept and award the bid to TAM Enterprises in the amount of \$83,311.00 for the "Maintenance Building and Well No. 1 Flood Barrier" project.

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

b. Resolution – Street Lights on Nininger Road:

This item was tabled as it is under review by counsel.

c. Resolution – Street Lights on Route 32:

This item was tabled as it is under review by counsel.

### III. New Business:

a. Schedule Public Hearing – ILL1 of 2019 – Peddling and Soliciting

The Village was notified by the Town Clerk that the Town attorney has informed her that the Town of Woodbury cannot issue peddling and soliciting permits in the boundaries of the Villages of Woodbury and Harriman. Therefore, the Village will need to adopt a law regulating these types of permits. Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to adopt the following resolution of the Village of Woodbury Board of Trustees of the Village of Woodbury setting a time and place for a public hearing on an Introductory Local Law 1 of 2019 entitled "Peddling and Soliciting" as follows:

**WHEREAS**, the Village of Woodbury Board of Trustees wishes to set a time and place for a public hearing to consider the adoption of Introductory Local Law 1 of 2019 entitled "Peddling and Soliciting"; and

**WHEREAS**, the Village Board hereby determines that it will be the lead agency with respect to the review of the proposed local law (the "project") in accord with New York State Environmental Quality Review Act ("SEQRA") and part 617 of the regulations implementing SEQRA, since there are no other agencies that have the authority to approve the project; and

**WHEREAS**, the Village Board hereby preliminary classifies the action as an unlisted action under SEQRA;

**NOW, THEREFORE, LET IT BE HEREBY**

**RESOLVED**, that a public hearing shall be held by the Village Board in order to receive comments and suggestions regarding the proposed local law and to review any potential adverse environmental impacts of the proposed local law, on February 14, 2019 at 7PM at the Village Hall located at 455 Route 32, Highland Mills, New York; and it is further

**RESOLVED**, that the office of the Village Clerk is authorized and directed to cause public notice of said hearing to be given as provided by law.

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

b. Resolution – Legal Representation for Pending Annexation Litigation:

Mayor Queenan stated, since Dennis Lynch has left the law firm the Village uses for certain legal matters, it has been advised by counsel that it would be in the best interest of the Village of Woodbury to clarify which firm the Village will be represented by on certain current or pending litigation. In addition, Mr. Lynch represents the Village of South Blooming Grove on a specific matter and it is also advised by counsel that the Village should have separate counsel. Therefore, motion was offered by Trustee Egan, seconded Trustee Flood, to adopt the following resolution recognizing continued legal representation by Feerick Nugent MacCartney, PLLC regarding pending annexation litigation:

**WHEREAS**, pursuant to a Municipal Cooperation Agreement executed by several municipalities in Orange County in October of 2015, the Village of Woodbury participated in municipal consortium to challenge certain annexation proceedings initiated by the Village of Kiryas Joel; and

**WHEREAS**, the participating municipalities retained the services of Bryan Cave, LLP to represent the participating municipalities in litigation commenced in the Supreme Court of the County of Orange, under Index No. 2015-7410; and

**WHEREAS**, the Village of Woodbury’s legal representative in such proceeding was the Law Firm of Feerick Lynch MacCartney & Nugent, PLLC (now Feerick Nugent MacCartney, PLLC) with the Village’s specific representative of the Firm being Dennis Lynch, Esq.; and

**WHEREAS**, Dennis Lynch is no longer a member of Feerick Nugent MacCartney, PLLC and is now of Counsel to the Law Firm of Blanchard & Wilson, LLP and Mr. Lynch now represents the Village of South Blooming Grove as legal representative in the above-referenced matter; and

**WHEREAS**, the participating municipalities in the above-referenced litigation each had a separate legal representative to advise the municipality and represent each municipality’s interests with respect to the above-referenced litigation; and

**WHEREAS**, the Village of Woodbury wishes to continue to have a separate legal representative in said proceeding.

**NOW, THEREFORE**, it is resolved as follows:

- 1) All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full herein.
- 2) The Village Board hereby determines that it wishes to continue the services of Feerick Nugent MacCartney, PLLC as designated representative in the Orange County Supreme Court matter under Index No. 2015-7410, with Brian D. Nugent being the assigned representative at the Village.
- 3) This Resolution shall be effective immediately.

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

c. Lead Agency Notification – Woodbury Common Premium Outlets:

Notification has been received from the Planning Board of their declaration as Lead Agency on the application before them known as “Premium Outlet Partners LP Site Plan, Special Permit and Architectural Review application, known on the tax maps as 225-1-70.2 and 226-1-1. Motion was offered by Trustee Egan, seconded by Trustee Giacomazza, to authorize the Village Clerk to respond to the notice on behalf of the Village Board that they consent to the Planning Board serving as Lead Agency for the application.

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

d. Resolution – Lead Agency Declaration – Village Hall Expansion:

Mayor Queenan noted the Village is moving forward with the expansion of the Village Hall to add two bays for the fire department and proper office space for the Building Department and Village offices. Therefore, a motion was offered by Trustee Flood, seconded by Trustee Egan, to adopt the following resolution assuming lead agency status and adopting a negative declaration under SEQRA for the Village Hall expansion project:

**WHEREAS**, the Village of Woodbury is undertaking and funding an expansion of Village Hall and the Fire Department at Village Hall; and

**WHEREAS**, the Village Hall expansion project is subject to the New York State Environmental Quality Review Act (“SEQRA”); and

**WHEREAS**, the Village of Woodbury Board of Trustees is the sole Involved Agency because the project is exempt from zoning and not subject to Planning Board approval based on a balancing of public interests, considering the municipal land use involved and the public benefits that will result from an expanded Village Hall and Fire Department; and

**WHEREAS**, the Village of Woodbury Board of Trustees has caused a short Environmental Assessment Form (“EAF”) for the proposed expansion to be prepared by Burke, Miele, Golden & Naughton, LLP; and

**WHEREAS**, the Village Board has reviewed the EAF for the proposed Village Hall expansion and identified and taken a hard look at the relevant areas of environmental concern; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of the Village of Woodbury hereby:

- 1) Assumes lead agency status with respect to the review of the proposed Village Hall expansion under SEQRA and part 617 of its implementing regulations;
- 2) Classifies the action as an Unlisted action;
- 3) Makes a determination of significance of a negative declaration, *i.e.*, that the proposed action will not result in any significant adverse environmental impacts, and adopts the annexed Negative Declaration.

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

**IV. Public Comment:**

Sandra Capriglione noted on the EAF for the Village Hall expansion Question 13 indicates that some portion of the site contains wetlands but did not identify the wetland. Mayor Queenan stated the engineering firm conducted drilling and did an investigation so perhaps they found something that needed to be pointed out in the EAF.

Craig Brady thanked the Board for the appointment to the ZBA. He then suggested there be a section on the Village website dedicated to public notices so they are easily located since not many people read the local newspaper anymore.

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

Trustee Giacomazza commended the Highway Department for the great job they did during the recent weather event. He then acknowledged that this week the nation celebrated Martin Luther King Jr. Day. He spoke about what Dr. King, Jr., did for the equality of all people.

Mayor Queenan stated the Village is fortunate to have great employees that do a great job, acknowledging not only the Highway Department but also the Water/Sewer and volunteer

organizations. He noted the Highway Department paid very close attention to the level of the Park Avenue waterway. He feels they did a great job clearing after the last storm and it paid off since there was no overflowing.

**VI. Adjournment:**

With no further business to discuss or comments received, a motion was offered by Trustee Flood, seconded by Trustee Egan, to adjourn the meeting at 7:20PM.

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

Desiree Potvin, Village Clerk

**WORKSESSION – Revisions to Village Code - Wireless Communications**

Following the close of the Village Board meeting, a work session was initiated at which Mike Musso of HDR provided the Village Board with a brief status report on the Wireless Code review and updates. The final draft version of the proposed Code edits will be circulated next week for final review to Attorneys Golden and Naughton and Engineer Lindsay (who have been assisting with the development of the Wireless Code revisions). Musso provided context on the September 2018 FCC ruling which includes provisions on small cells and work in the public Right-of-Way (ROW); application processes; fees; aesthetics; and other items which are relevant to the proposed Code edits. The edits are being developed with this and other FCC rulings in mind, while also considering the diverse land uses and aesthetic settings in the Village and Village procedures for application processing, fee schedules, inspections, etc. Musso noted that the September 2018 FCC ruling is under legal challenge; however, the advancement to 5G wireless services and thus 5G infrastructure – including small cells - will continue to grow (market driven) nationally. Although the wireless infrastructure landscape cannot be predicted even 2 to 5 years from now, the Code revisions aim to anticipate industry changes and the different types of proposals that the Village may see in the short-term and in the future.

Musso presented an anticipated timeline for circulating, noticing, and formally discussing the proposed updates to the Wireless Code; the below items and dates will be refined with the Village staff:

- 2/7/2019 – finalize code with attorney and engineer comments
- 2/8/2019 – 2/13/2019 – circulate to and discuss with other Village Boards, Building Department
- 2/14/2019 – Village Board Meeting to set public hearing
- 2/28/2019 or 3/14/2019 – Open Public Hearing / HDR to present. **February 28, 2019 was noted as the preferred date for the Public Hearing**

HDR will work with Village staff and attorney to coordinate GML referrals, the public hearing Resolution, newspaper notice, and SEQRA-related items (and other tasks as required for the Public Hearing).

The Mayor noted the purpose and value of the Wireless Code updates, and that the updates are considerate of the health and welfare of Village residents. The work session was closed at approximately 7:50 p.m.

- Notes taken by Mike Musso