

Minutes of the Village Board Meeting held at Town Hall on February 12, 2015 at 7PM

Present: Michael Queenan, Village Mayor  
Neil Crouse, Timothy Egan, Thomas Flood and David Sutz, Trustees  
Absent: None  
Also Present: Robert Weyant, Superintendent of Highways; Pasquale Prozzillo, Fire Chief; Michael Phillips, Water/Sewer Administrator; Jessica McClennan, Deputy Village Clerk

**I. Public Hearing:**

a. Continued – Dedication of Summit Avenue Pump Station:

A public hearing was continued from the January 8, 2015 meeting to entertain public comments on the offer of dedication by Summit Avenue Properties II, LLC to convey certain improvements to the Village Board, including pumps, pipes, valves and fittings, as well as related equipment, and associated appurtenances installed on the Village of Woodbury property located at the Pump Station off of Summit Avenue and all other related action authorized by law. The following comments were received:

Mayor Queenan noted that there are still a few outstanding items that need to be finalized before the Board can accept dedication. In speaking with the Attorney, it is recommended that the hearing be continued to give the developer time to accomplish these items.

With no further comments received, a motion was offered by Trustee Sutz, seconded by Trustee Flood, to continue the public hearing to the March 12, 2015 meeting.

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

**II. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Crouse, seconded by Trustee Flood, to accept the minutes of the regular meeting held January 22, 2015.

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

b. Approval of Abstract:

Motion was offered by Trustee Flood, seconded by Trustee Sutz, to approve Abstract 16 containing vouchers 141087 – 141194 and totaling \$131,416.79.

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

c. Budget Modification:

Motion was offered by Trustee Egan, seconded by Trustee Crouse, to approve a modification to the budget of the General Fund as follows: (1) increasing A1062 (Town Payment to Reduce Tax Levy) by \$161,085 and increasing A5182.401 (Street Lighting) by \$161,085; (2) decreasing A1420.405 (Annexation – Brach) by \$15,835 and increasing A1410.201 (VC – Equipment) by \$170, A1420.403 (Attorney – ZBA) by \$15,000, A1440.411 (Planner – Contractual) by \$665; (3) decreasing A3410.201 (FD – Equipment – Long-Term) by \$9683 and increasing A3410.209 (FD – Turnout Gear) by \$3947, A3410.416 (FD – Uniforms/Accessories) by \$266, A3410.420 (FD – Exhaust System) by \$4345, A3510.421 (FD – Chief General Expenses) by \$1000, A3410.425 (FD – OSHA Physicals) by \$125

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

d. Fire Department Equipment Requisition:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to approve Fire Department Equipment Requisition 2015-03 totaling approximately \$3153.75 to purchase an upgrade to the software used for record keeping and to purchase three devices to detect natural gas and propane when responding to calls.

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

e. Fire Department Membership Status Updates:

Motion was offered by Trustee Egan, seconded by Trustee Crouse, to change the status of the following members of the Highland Mills Fire Company from “active” to “inactive” effective immediately: Richard Jackson, Christopher Mitchell, Joseph Wagner, James Reilly, Stephen Prosperi.

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

It was noted that no update has been received from Central Valley.

**III. Old Business:**

a. Return Road Maintenance Bond – Montesi Drive:

Mayor Queenan noted that a request was received from the developer of West Point Farms to return the road maintenance bond for Montesi Drive since the one-year maintenance period has ended. Correspondence has been received from Engineer Lindsay noting that an inspection has been conducted by Highway Superintendent Weyant and him and there are five issues that are outstanding. They are as follows: (1) repair to road depressions – cut, excavate and pave - \$1500; (2) crack seal – scarring at #14 - \$75; (3) crack seal – vehicle tracks made at #17 - \$0; (4) crack seal – roadway center seam - \$2250; (5) remove shade tree stakes - \$700. The work that remains is estimated to cost approximately \$5000. It has been agreed upon by the developer and the Highway Department that the Highway Department will do this work in the spring/summer and this amount will be withheld from the amount returned. Therefore, a motion was offered by Trustee Crouse, seconded by Trustee Egan, to return the road maintenance bond for Montesi Drive but withhold \$5000 for the work listed above that will be done by the Highway Department.

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

**IV. New Business**

a. Cell Tower on Village Property:

An entity has approached the Village to erect a cellular tower on Village property located on First Street (SBL 213-1-3.2). This application will need to go before the Planning Board but before they invest the time and effort to do so, a commit from the Village is needed. The Village Attorney has been negotiating with the applicant for the past several months and the Village Board of Trustees is in favor of this transaction. Motion was offered by Trustee Egan, seconded by Trustee Sutz, to adopt the following resolution to approve a cellular tower lease:

**WHEREAS**, the Village of Woodbury, New York (“Village”) acting through its Board of Trustees (“Village Board”) desires to promote the health, safety and welfare of all Village residents at all times; and

**WHEREAS**, the Village Board also desires consistent with the foregoing to obtain sources of income other than real property taxes that will lessen the tax burden on Village residents; and

**WHEREAS**, after considerable review and other appropriate consideration the Village Board has identified the Company APC Towers (the "Company") who wishes to locate a cell tower on Village property and pay fair market value concerning occupancy of any Village property; and

**WHEREAS**, the Village Board wishes to finalize any such proposal by the Company consistent with all land use requirements as well as applicable law.

**NOW, THEREFORE, BE IT**

**RESOLVED** that all "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full herein, and be it further

**RESOLVED**, that the Village Mayor is authorized to execute all documents required to enter into such an Agreement upon the terms considered by the Village Board in Executive Session upon the recommendation of Special Counsel that all documents are in proper form for execution. The Company thereafter shall proceed through appropriate review of any plans to construct all improvements through all appropriate Boards as required by law as well as obtain all approvals thereafter as required by law; and be it further

**RESOLVED**, that this Resolution shall take place effective immediately

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

b. Ballot Destruction Notice:

Mayor Queenan stated that unopened, shrink-wrapped, packages of unused ballots from the June 17, 2014 Village General Election have been destroyed by shredding. The ballots destroyed were number 451 - 1000 and shredding occurred on February 5, 2015.

**V. Public Comment:**

Steve Brown, Summit Avenue Properties, apologized for coming to the meeting late and understands that the hearing is being continued to March 12. He wanted to make the Board aware that he has been working with the Water Department to correct the electrical outlet for the generator and efforts are being made to rectify the other outstanding issues. He noted this issue has been going on for over a year now and he is anxious to have it completed. Clerk Potvin went over in detail the issues that need to be resolved and what has occurred thus far.

John Smith asked for more clarification on the budget modifications and one was provided to him. He also asked if the public will be given an opportunity to comment on the cellular tower application and Mayor Queenan stated that would occur during the Planning Board process.

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

Trustee Egan reminded the public to clear snow from fire hydrants that may be located on or near their property. Mayor Queenan commended the Highway Department on the work they have done during the storms. He also urged all residents 18 and older to register to vote. He feels that Woodbury needs to show all levels of government that we are a strong voting community.

**VII. Adjournment:**

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

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

Desiree Potvin, Village Clerk