

Minutes of the Village Board Meeting held at Town Hall on June 25, 2015 at 7PM

Present: Michael Queenan, Mayor

Neil Crouse, Timothy Egan, Thomas Flood and David Sutz, Trustees

Also Present: Michael Phillips, Water/Sewer Administrator; Jessica McClennan, Deputy Village Clerk; Dennis Lynch, Special Counsel for the Village; Richard Golden, Planning Board Attorney; Robert Weyant, Highway Superintendent; Maria Hunter, Planning Board; Robert Hunter, Town Board

### I. Administrative Business:

#### a. Acceptance of Minutes:

Motion was offered by Trustee Crouse, seconded by Trustee Egan, to accept the minutes of the regular meeting held June 11, 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 2 containing vouchers 150067 – 150110 and totaling \$111,876.82.

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

### II. Old Business:

#### a. Discussion – Agreement for Cellular Tower on Village Property:

Mayor Queenan noted the proposed location of the cellular tower is on First Street located in the Amdur Park water service area. Once the lease is executed the owner will be required to go through the Planning Board process, at which point public hearings will be held. The lease is for a 100' x 100' area and the Village will receive \$1550 per month with an escalation of 2% per year. With regards to sharing revenues, the Village will receive 10% of the rents actually received for the second, third and fourth wireless carrier to be on the tower. The Board agreed this was a good opportunity to earn revenue for the Amdur Park water service area, which is the smallest in the Village and is in great need of improvements for the 49 active properties it services. Motion was then offered by Trustee Sutz, seconded by Trustee Flood, to authorize the Mayor to sign the lease with APC Towers, LLC, subject to final review by the Village attorney.

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

### III. New Business:

#### a. Mercedes Benz – Agreement/Easement/License:

Attorney Golden noted Mercedes Benz is currently before the Planning Board and a requirement of their application is to obtain three documents with the Village Board:

- 1) License Agreement for Larkin Drive/Melody Lane South – a temporary construction license for the construction of certain improvements to Larkin Drive and Melody Lane South is required. The improvements to Larkin Drive are realigning/stripping the roadway and creating a full movement “T” intersection with Melody Lane South. Improvements to Melody Lane South are creating a gated emergency access to Brookside Drive and a cul-de-sac turnaround.
- 2) Cul-de-sac Easement – An easement is required by the Planning Board to maintain a portion of the cul-de-sac improvements on Section 225, Block 1, Lot 35. The roadway accessing the

Mercedes Benz will be Melody Lane (off of Larkin Drive). The roadway will end in a cul-de-sac, so the flow of traffic will not continue through to Brookside Drive (access will only be available to emergency vehicles through a gate with automatic operation). Although this cul-de-sac will be mostly owned by Mercedes Benz, the easement permits the Village to do snow removal and storage. The easement also holds the Village harmless if there is any damage to the island in the cul-de-sac as a result of snow removal.

- 3) Stormwater Control Maintenance Agreement – The Village Code requires the applicant to comply with the Stormwater Pollution Prevention Plan (SWPPP). These requirements provide that the applicant shall provide an “inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures”. The Planning Board required this and the applicant shall have the agreement filed with County Clerk’s office as a deed restriction on the property.

Attorney Golden added Mercedes Benz has indicated that they will be submitting a request to waive the cash bond required in the Village Code. They would prefer that if work is needed to be done, that a lien be placed against the property. He suggests that the Board not waive the bonding requirement. He also noted that Schedule “A” has not yet been finalized but there would be no substantive changes to the documents as presented. He suggests the Board authorize the Mayor to sign the documents, subject to final approval from the Planning Board attorney. Mayor Queenan asked how much the bond would be and Attorney Golden stated the Village Engineer has not prepared an estimate yet. The Board agreed they should not deviate from their past practice or the Village Code and will not waive the bond requirement. It was noted that a provision could be put into place that after a predetermined timeframe the bond can be returned based on the recommendation of the Highway Superintendent.

Motion was then offered by Trustee Sutz, seconded by Trustee Egan, to authorize the Mayor to sign the License Agreement for Larkin Drive/Melody Lane South, the Cul-de-sac Easement and the Stormwater Control Maintenance Agreement associated with the Mercedes Benz application currently before the Planning Board, subject to any modifications deemed necessary by the Planning Board attorney.

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

b. Temporary Closure of Country Hollow – Block Party:

Motion was offered by Trustee Sutz, seconded by Trustee Crouse, to approve the temporary closure of County Hollow (Trails End to 48 Country Hollow) on August 22, 2015, 3PM – 8PM, for the purpose of the residents of the County Crossing’s development to conduct a block party.

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

EXTRA ITEM – Authorize Mayor to Sign IMA with MWCSO:

Mayor Queenan noted that the Village will be doing improvements to the sewer line on Still Street this summer. It will be a joint effort with the Monroe-Woodbury Central School District (MWCSO) and each entity will pay 50% of the cost. Therefore, an Inter-Municipal Agreement is required. Motion was offered by Trustee Egan, seconded by Trustee Sutz, to authorize the Mayor to sign an IMA with the MWCSO for improvements being done to the sewer line on Still Street, subject to final review by the Village attorney.

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

Motion was then offered by Trustee Egan, seconded by Trustee Flood, to declare, under SEQRA, a negative declaration based upon the documentation.

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

Attorney Lynch noted that the remainder actions required under SEQRA will be done by the school district.

**IV. Public Comment:**

Joe Zlata requested a confirmed update regarding the sale of a portion of the Woodbury Junction development previously owned by Cornell. Mayor Queenan stated a copy of the title transfer was received by the Assessor's Office indicating that one of Ken Torseo's companies has purchased that property.

John Smith stated he was told there was a meeting yesterday with County Executive Steven Neuhaus and he would like to know what the meeting was about. Mayor Queenan stated it was held last week and it was about the County supporting the annexation legislation before the Senate and Assembly. Mr. Smith then asked if there is any effort being made to have a bank come to Woodbury. Mayor Queenan stated he has reached out to several banks but there has not been any interest. He was told that some bank was interested in the Sterling Bank building but he is not being told who.

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

Trustee Sutz reminded the public that the Woodbury fireworks are schedule for July 11. Mayor Queenan reminded the public that the Orange County Fireman's Parade is scheduled for September 26.

**7:30PM - Executive Session:**

Motion was offered by Trustee Egan, seconded by Trustee Sutz, to enter into an executive session pursuant to Sections 105 and 108 of Public Officers Law to discuss a matter involving possible litigation and privileged attorney-client communication.

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

*There were no minutes of the executive session recorded.*

**VII. Adjournment:**

With no further business to conduct, a motion was offered by Trustee Egan, seconded by Trustee Sutz, to end the executive session and adjourn the meeting at 8:45PM.

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

Desiree Potvin, Village Clerk