

Minutes of the Village Board Meeting held at Town Hall on July 23, 2015 at 7PM

Present: Michael Queenan, Mayor
Neil Crouse, Thomas Flood and David Sutz, Trustees
Absent: Timothy Egan, Trustee
Also Present: Kelly Naughton, Special Counsel for the Village; Robert Weyant, Highway Superintendent; Maria Hunter, Planning Board

I. Public Hearing:

a. Discontinuance and Conveyance of Melody Lane to Cabela's:

A public hearing was held to entertain public comments on the Board of Trustee's intent to discontinue and convey a portion of Melody Lane to Cabela's. The public notice was printed in the Times Herald Record on July 16, 2015 and there were no comments received. A motion was then offered by Trustee Sutz, seconded by Trustee Flood, to close the public hearing.

ADOPTED AYES 4 Crouse, Queenan, Flood, Sutz
NOES 0

Motion was then offered by Trustee Sutz, seconded by Trustee Crouse, to declare this issue as being a negative declaration under SEQRA.

ADOPTED AYES 4 Crouse, Queenan, Flood, Sutz
NOES 0

Motion was then offered by Trustee Crouse, seconded by Trustee Flood, to adopt the following resolution discontinuing and conveying a portion of Melody Lane to Cabela's:

WHEREAS, the Village of Woodbury ("Village") is the owner of certain land consisting of an unimproved roadway area known as Melody Lane, abutting Locey Lane, as described in Schedule "A" attached to this Resolution (the "Property"), and which lands are situate within the boundaries of the Village of Woodbury, and

WHEREAS, the Village desires to discontinue and abandon the Property, as it has become useless and serves no public purpose, and

WHEREAS, the Village desires to convey to Cabela's, Inc. title to the Property for fair and adequate consideration, and

WHEREAS, an appraisal was performed for the Property by a New York State Certified General Appraiser, setting a reasonable good faith payment value at Six Thousand Four Hundred dollars (\$6,400.00) which, everything considered, the Village Board of Trustees believes to be fair and adequate consideration, and

WHEREAS, to ensure that the conveyance of the Property to Cabela's be utilized in a manner that will bring substantial ratable real property tax and other revenue to the Village, the transfer of the Property approved herein is conditioned upon Cabela's development of the Property and surrounding properties in a manner consistent with its site plan and special permit application presently pending before the Village Planning Board (the "Project"), and

WHEREAS, to enable said development of Cabela's Project, the Village desires to grant an easement to Cabela's to permit Cabela's to utilize the Property for all purposes consistent with Cabela's, Inc. Planning Board application prior to the satisfaction of the conditioned conveyance of the Property,

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Woodbury that upon the receipt of Six Thousand Four Hundred dollars (\$6,400.00) as fair and adequate consideration, the Board of Trustees hereby discontinues Melody Lane and conditionally conveys the Property to Cabela's, Inc., as the property is described in Schedule "A," and authorizes the Mayor to execute any and all documentation necessary to effectuate such conveyance.

BE IT FURTHER RESOLVED THAT the said conveyance of the Property is conditioned upon the substantial completion of the Cabela's Project as authorized by the Village Planning Board, or such other triggering event agreed upon by the Village and Cabela's. Attorneys for the Village of Woodbury shall hold the executed conveyance documents in escrow until such time as the Village Building Inspector provides notification that the Cabela's Project is substantially complete (or such other triggering event has been accomplished), at which time the executed conveyance documents shall be released to Cabela's attorneys for filing with the County Clerk, with proof of such filing being provided to the Village Clerk within 3 days of such filing.

BE IT FURTHER RESOLVED THAT until such time as the conveyance documents are to be released as provided above, the Board of Trustees hereby grants to Cabela's, Inc. an easement permitting Cabela's, Inc. to utilize that portion of the Property for all purposes in accordance with Cabela's, Inc. development of the Property, as approved by the Village Planning Board. Said easement shall be in such form as is acceptable to the Village Planning Board Attorney, and shall be filed by Cabela's with the County Clerk, with proof of such filing being provided to the Village Clerk within 3 days of such filing.

BE IT FURTHER RESOLVED THAT the closing in connection with this conveyance shall take place within two years from the date of this Resolution. Should the closing fail to take place within two years from the date of this Resolution, this Resolution shall be null and void, unless the Board of Trustees, by resolution, grants an extension for such closing to take place.

"Schedule A"

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Woodbury, County of Orange, State of New York, being 50 ft. in width, and more accurately described and bound as follows:

BEGINNING at a point in the centerline of Melody Lane, said point being in the southwesterly line of the lands of Exxon, and northeasterly line of lands n/f William Averill Harriman, and runs thence along said line North 41° 43' 20" West 33.58 ft. to a point; thence through the lands of Exxon, parallel to and 25 ft. westerly from the centerline of Melody Lane on the following four (4) courses and distances: (1) North 4° 25' 20" East 89.36 ft.; (2) North 0° 34' 20" West 65.11 ft.; (3) North 13° 20' 50" West 45.69 ft.; (4) North 19° 13' 10" West 125.77 ft. to a point; thence along the existing Melody Lane right-of-way on the following two (2) courses and distances: (1) South 78° 57' 30" East 41.93 ft.; (2) North 11° 02' 30" West 140.00 ft. to a point; thence through the lands of Exxon, South 14° 33' 05" East 140.26 ft. to a point; thence through the lands of Exxon, parallel to and 25 ft. easterly from the centerline of Melody Lane, on the following four (4) courses and distances: (1) South 19° 13' 10" East 121.15 ft.; (2) South 13° 20' 50" East 53.85 ft.; (3) South 0° 34' 20" East 72.89 ft.; (4) South 4° 25' 20" West 136.38 ft. to a point; thence along the said westerly line of Exxon, North 41° 43' 20" West 33.58 ft. to the point and place of beginning.

ADOPTED AYES 4 Crouse, Queenan, Flood, Sutz
 NOES 0

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Flood, seconded by Trustee Sutz, to accept the minutes of the regular meeting held July 9, 2015.

ADOPTED AYES 4 Crouse, Queenan, Flood, Sutz
 NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Crouse, seconded by Trustee Flood, to approve Abstract 4 containing Vouchers 150165 – 150268 and totaling \$641,215.16.

ADOPTED AYES 4 Crouse, Queenan, Flood, Sutz
 NOES 0

c. Acceptance of Resignation – Fire Marshall:

Motion was offered by Trustee Sutz, seconded by Trustee Crouse, to accept, with regrets, the resignation of James Savarese from the position of Fire Marshal effective July 30, 2015. Jim has been employed in Woodbury since April 2002 and he was acknowledged for this dedication to the community.

ADOPTED AYES 4 Crouse, Queenan, Flood, Sutz
 NOES 0

III. Old Business *There was no old business to discuss.*

IV. New Business:

a. Liquor License Notification:

Notice was received on July 13, 2015 that Yo Sushi New York, LLC, 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.

V. Public Comments:

Steve Esposito, representative of Cabela’s, thanked the Board for their timely resolve of the Melody Lane transfer. He also stated he appreciated both the Planning and Zoning Board and their consultants for their professionalism during the entire application process.

VI. Board Member/Department Head Comments:

Mayor Queenan stressed concerns he has about the littering of phonebooks throughout the Village. He asked all that don’t want their phonebooks too kindly throw them into recycling containers. He also announced that the Highland Mills Fire Company is hosting an open house this weekend and reminded all that the Annual OC Fireman’s parade is September 26 in Woodbury this year.

VII. Adjournment:

With no further business to discuss or comments received, a motion was offered by Trustee Flood, seconded by Trustee Crouse, to adjourn the meeting at 7:10PM.

ADOPTED AYES 4 Crouse, Queenan, Flood, Sutz
 NOES 0

Desiree Potvin, Town Clerk