

Minutes of the Village Board Meeting held at Town Hall on March 26, 2015 at 7PM

Present: Michael Queenan, Mayor
Neil Crouse, Timothy Egan, Thomas Flood and David Sutz, Trustees

Absent: None

Also Present: Michael Phillips, Water/Sewer Administrator; Pat Prozzillo, Fire Chief; John Jones, Second Assistant Chief; Jessica McClennan, Deputy Village Clerk; Robert Weyant, Highway Superintendent; Maria Hunter, Planning Board; Sandra Capriglione, Zoning Board; Robert Hunter, Town Council

I. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Sutz, seconded by Trustee Egan, to accept the minutes of the regular meeting held March 12, 2015.

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

b. Approval of Abstract:

Motion was offered by Trustee Flood, seconded by Trustee Crouse, to approve Abstract 19 containing vouchers 141297 – 141334 and totaling \$85,007.61.

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

c. Fire Department Equipment Requisition:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to approve Fire Department Equipment Requisition 2015-11 totaling approximately \$1367.84 for the purchase of a SCBA bottle and a safety officer jacket.

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

d. Fire Department Membership Application:

Motion was offered by Trustee Crouse, seconded by Trustee Egan, to approve the application received for membership from Kevin Watson to the Highland Mills Fire Company, pending physical.

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

e. Use of Building Request:

This item was tabled until all the required paperwork is received.

II. Old Business:

a. Authorize Advertising of Bids – Improvements to Consolidated Water Lines:

Motion was offered by Trustee Sutz, seconded by Trustee Flood, to authorize the advertising for bids for improvements intended to increase the reliability of the interconnection between the Consolidated Water area and what was formerly known as the Highland Lakes Estates Water area and to improve pressure and fire protection along Jefferson Street and Hill Avenue.

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

Trustee Crouse stated the State has announced that there is \$250 million in the budget allocated for water and sewer improvements. Trustee Sutz stated he has met with Senator Schumer's aide in charge of his grant funding and there should be federal funds available as well. Trustee Egan stated he spoke with Assemblyman Skoufis about the issue as well. Mayor Queenan stated there are a lot of improvements needed to the Village's water and sewer infrastructure, noting the one discussed this evening is the smallest that needs to be accomplished.

III. New Business:

a. Schedule Public Hearing – 2016 OC Community Development Grant:

Motion was offered by Trustee Crouse, seconded by Trustee Egan, to schedule a public hearing to be held on April 23, 2015 to entertain project suggestions for funding through the 2016 Orange County Community Development grant program.

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

b. Discussion/Schedule Public Hearing – Garbage Container Maintenance:

A letter of concern has been received from a resident about garbage and recycling cans being left out on or near the road all week long, causing unsightly conditions in neighborhoods. At the November 14, 2011 Town Board meeting, the issue was discussed. At the recommendation of then Police Chief Robert Kwiatkowski, a letter was written to the two judges to determine if a law enforcing timely removal of containers from the roadway would have any constitutional limitations but no response was received. At the same meeting it was noted that the enforcement of the removal of the containers would fall on the Code Enforcement/Building Inspector's office. Mayor Queenan stated he feels the police should also be empowered to enforce the law. He also feels that neighbors should be considerate of each other. A law has been drafted by Clerk Potvin that would impose a timeframe in which containers would be required to be removed from the roadway. The Board then discussed, in detail, some options to be added to the law regarding enforcement, warnings, bulk garbage, tracking of violations and informing the public of the law. Ultimately, it was decided to keep the law simple for now and, based on comments made at the public hearing, it can be amended if needed. The only change to the draft was to require that container be removed from the roadway by 10PM the day of collection. Motion was then offered by Trustee Crouse, seconded by Trustee Sutz, to schedule a public hearing to be held on April 23, 2015 to entertain public comments on Introductory Local Law 2 of 2015 that would amend Chapter 240 of the Village Code entitled "Property Maintenance" to provide for regulations for the placement of refuse, garbage and recycling containers.

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

c. Adoption of Fire Department By-Laws:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to adopt the Woodbury Fire Department By-Laws dated March 16, 2015, as reviewed and amended by our labor attorney.

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

Trustee Crouse recommended that all members be provided with a copy of the amended bylaws and sign-off that they have received them. Chief Prozzillo stated each member has been given a flash drive that contains all documents relating to the department.

d. Resolution – Good Samaritan Legislation Coverage:

On December 17, 2014, Governor Cuomo signed into law amendments to the General Municipal Law (GML) and the Volunteer Firefighters Benefits Law (VFBL) to provide coverage for volunteer firefighters when they volunteer at an out-of-district accident scene before an officer in charge accepts their services. The governing body of the assisting volunteer must pass a resolution in order to make the coverage available. Once a resolution is passed, if a volunteer is injured, his/her coverage would be provided under his/her own company's coverage. Currently, a volunteer acting as a "Good Samaritan" has no coverage if injured before the officer in charge accepts the volunteer's assistance. It is important to note that when a jurisdictional officer arrives at the scene, an assisting volunteer's service must be accepted or the volunteer must cease assistance. Motion was then offered by Trustee Egan, seconded by Trustee Crouse, to adopt the following: *"Whenever a volunteer firefighter of the Village of Woodbury provides services under General Municipal Law Section 209-i when there is no jurisdictional officer in command present, such volunteer firefighter shall be entitled to coverage under the VFBL coverage provided by the Village of Woodbury for the provision of such services. Upon the arrival of a jurisdictional officer in command, such volunteer firefighter shall report to such officer and offer his/her services to assist such fire company or fire department. If such offer of assistance is not accepted, then the volunteer firefighter of the Village of Woodbury must immediately cease providing any additional service at the scene of the emergency."*

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

e. Resolution – Support Assembly #5827:

Recently, Assemblyman James Skoufis introduced Assembly Bill A5827 entitled "an act to amend the public officer's law, in relation to enacting the integrity in government act". The purpose or general idea of bill is "to ensure greater adherence to the Freedom of Information Law (FOIL) and Open Meetings Law (OML) by creating a state commission that is vested with enforcement powers". According to the bill material, the justification for the bill is as follows: *"The large majority of public officials in the state and local governments work hard to abide by open government laws. In those instances where FOIL or OML is violated, however, current statute does not provide for an opportunity to compel compliance other than a costly Article 78 proceeding. New York's Committee on Open Government presently oversees the implementation of FOIL and OML but its actions are only advisory in nature. This bill will ensure greater adherence to FOIL and OML by providing enforcement powers to the proposed commission"*. The fiscal implications of this bill are listed as "to be determined" and there currently is no Senate sponsor/matching bill. Motion was offered by Trustee Crouse, seconded by Trustee Sutz, to adopt the following resolution of support:

WHEREAS, on March 9, 2015 Assemblyman James Skoufis introduced a bill to ensure greater adherence to the Freedom of Information Law (FOIL) and Open Meetings Law (OML); and

WHEREAS, this bill would create a state commission vested with the powers to enforce FOIL and OML, such as the authority to compel the release of records that are being unlawfully withheld; and

WHEREAS, the justification for the bill states that a large majority of public officials in state and local governments work hard to abide by open government laws but in those instances when FOIL or OML is violated current statute does not provide for an opportunity to compel compliance other than an Article 78 proceedings.

NOW, THEREFORE, BE IT

RESOLVED that the Village of Woodbury Board of Trustees does hereby support Assembly Bill A5827; and be it

FURTHER RESOLVED that the Village Clerk is directed to send a certified copy of this resolution to all state representatives of Orange County.

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Queenan	AYES
Trustee Crouse	AYES
Trustee Egan	AYES
Trustee Flood	AYES
Trustee Sutz	AYES

Trustee Crouse stated he was present when this legislation was announced by Assemblyman Skoufis at a press conference held at Village Hall. Mayor Queenan stated an article was printed recently in the Times Herald Record listing communities that do and do not comply with the OML as it relates to the posting of agendas and documents on the website. Woodbury received two gold stars for being in compliance.

IV. Public Comment:

Ben Meyers asked for information regarding Woodbury Clean-Up day and the semi-annual electronic collections event. Superintendent Weyant stated Clean-Up day has been scheduled for April 18 and will kick-off at 9:30AM at the Smith Clove Elementary School parking lot. The electronic collections event is scheduled for May 1, 2PM-5PM and May 2, 8AM-1PM at the Highway Garage.

John Jones stated he brought his complaints about the garbage containers to the Boards attention in February. His neighbors leave their containers by the street and because of this they were stuck in snowbanks. This caused them to leave plastic bags on the side of the road, which would be opened by animals and garbage would be scattered all over the neighborhood. He and his wife would clean it up. It is very disgusting and he is glad the Board is taking action on the issue.

V. Board Member/Department Comments:

Clerk Potvin announced that the Woodbury PBA and Parks Department is jointly hosting the annual Easter Egg Hunt on April 3, 2015 at Earl’s Reservoir, 10AM – Noon.

Mayor Queenan announced that the Lions Club is selling chocolate bunnies and will be hosting a community breakfast at the Central Valley Methodist church on April 18, 8AM-11AM. The Ambulance Corps., will be holding a blood drive on April 19, 10AM-3PM.

VI. Adjournment:

With no further comments received or business to discuss, a motion was offered by Trustee Sutz, seconded by Trustee Flood, to adjourn the meeting at 7:45PM.

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

Desiree Potvin, Village Clerk