

Minutes of the Village Board Meeting held at Town Hall on April 9, 2015 at 7PM

Present: Michael Queenan, Mayor
Neil Crouse, Thomas Flood and David Sutz, Trustees
Absent: Timothy Egan, Trustee
Also Present: Michael Phillips, Water/Sewer Administrator; Jessica McClennan, Deputy Village Clerk;
Robert Weyant, Highway Superintendent

I. Public Hearing:

a. Fiscal Year 2015/2016 Preliminary Budget:

A public hearing was held to entertain public comments on the adoption of Fiscal Year 2015/2016 Preliminary Budget. The public notice was printed in the Times Herald Record on April 2, 2015 and the following comments were received:

Mayor Queenan noted that the budget proposed is a reasonable and responsible one. It includes the transfer of the Highway Department as of January 2016. The budget, not including the water/sewer areas, has an increase of 37.7%, solely due to the Highway and Street lighting services transferring from the Town to the Village. Clerk Potvin stated Trustee Egan asked her to state on his behalf that had he been able to attend the meeting he would have voted in favor of the budget.

With no further comments received, a motion was offered by Trustee Sutz, seconded by Trustee Flood, to close the public hearing.

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

Motion was then offered by Trustee Crouse, seconded by Trustee Flood, to adopt the Fiscal Year 2015/2016 budget as printed on pages _____ - _____ of this minute book.

ADOPTED BY ROLL CALL AS FOLLOWS:

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

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Flood, seconded by Trustee Crouse, to accept the minutes of the regular meeting held March 26, 2015.

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

b. Approval of Abstract:

Motion was offered by Trustee Flood, seconded by Trustee Sutz, to approve Abstract 20 containing vouchers 141335 – 141455 and totaling \$158,707.41.

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

c. Fire Department Equipment Requisitions:

Motion was offered by Trustee Sutz, seconded by Trustee Crouse, to approve Fire Department Equipment Requisition 2015-12 totaling approximately \$3533.28 for the purchase of pagers, chargers and batteries.

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

d. Closing of Escrow Accounts:

Motion was offered by Trustee Sutz, seconded by Trustee Crouse, to approve the closing and return of the following escrow accounts as recommended by the Building Department – the applications have been withdrawn and all consultant fees have been paid: Caesars Entertainment (D413), Flaum Management (D412) and AT&T New Cingular (D480).

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

e. Use of Building Request:

Motion was offered by Trustee Crouse, seconded by Trustee Flood, to approve the request to use the meeting room received from Boy Scout Troop 4 on May 30, 2015, 11:30AM-5PM, for the purpose of holding an Eagle Scout Court of Honor ceremony.

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

f. Appointment of Seasonal Worker:

Motion was offered by Trustee Sutz, seconded by Trustee Crouse, to appoint Joseph Phillips as a seasonal laborer with the Water/Sewer Department to do I&I work and cover assignments April 20, 2015 – October 30, 2015 at a rate of \$13.00 per hour.

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

III. Old Business:

a. Update – Garbage Container Proposed Local Law:

Based on the comments made by the Board members at the last meeting, and input from Building Inspector Gary Thomasberger and Refuse Clerk Sheila Beadle, the proposed law has been revised. The public hearing is still scheduled for April 23, 2015.

IV. New Business:

a. Resolution – Intervention for Preserve Hudson Litigation:

Motion was offered by Trustee Crouse, seconded by Trustee Sutz, to adopt the following resolution authorizing intervention:

WHEREAS, the Village of Woodbury, New York (the “Village”) by its Board of Trustees (the “Board”) desires to protect the civil rights of all residents of the Village and otherwise be certain that all applicable law, rules and regulations are equally applied throughout the Village; and

WHEREAS, the State of New York has authorized municipalities such as the Village to adopt a land use plan based upon the exercise of demographic franchise by Village voters as well as being in conformance with all lawful requirements; and

WHEREAS, the Village previously adopted a land use plan that is currently the subject of litigation and the outcome of said litigation has not been ascertained; and

WHEREAS, notwithstanding the pending litigation the Village Board believes that a smart and sustainable land use plan is required in the Village so that any development can, to the extent possible, be supported by Village taxpayers and without being an undue burden on Village taxpayers as well as in full compliance with all provisions of the law; and

WHEREAS, the Commissioner for the Department of Environmental Conservation for the State of New York (the “Commissioner”) has recently issued a determination regarding Lead Agency in which the Commissioner in an Advisory Opinion that favorably considered the type of growth in the Village of Kiryas Joel, New York as environmentally appropriate since high density growth coupled with open spaces is a potential land use practice, but the utilization of such open space in the Village of Kiryas Joel, New York with high density growth has not been demonstrated to be a land use practice actually employed in the Village of Kiryas Joel, New York; and

WHEREAS, there is pending litigation challenging the Commissioner’s determination brought by Preserve Hudson, Inc. and other litigants against the Commissioner and others found in the Supreme Court for the State of New York in the County of Orange, New York (the “Preserve Hudson Litigation”); and

WHEREAS, it is important that the manifest error of the Commissioner in his Advisory Opinion concerning an apparent preference for the land use practices of the Village of Kiryas Joel, New York over a land use practice of this Village; and

WHEREAS, the Advisory Opinion of the Commissioner substantially seeks to infringe the democratic exercise of voters in the Village and otherwise to wrongfully prefer one land use practice and pattern over another in a manner that is improper; and

WHEREAS, the Village wishes to make certain that the Advisory Opinion of the Commissioner previously referenced is not considered by others as accepted by the Village.

NOW, THEREFORE, it is resolved as follows:

Section 1. All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full herein.

Section 2. Special Counsel for the Village, Feerick Lynch MacCartney, Esqs. is hereby authorized to take all required steps necessary to intervene in the Preserve Hudson litigation and to be certain that any Court is aware that the Village contests the Advisory Opinion of the Commissioner and otherwise to protect the interests of the Village with regard to all issues in that Preserve Hudson litigation. Special Counsel shall be paid for such legal services at its current hourly rates authorized by the Village.

Section 3. This Resolution shall be effective immediately.

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

V. Public Comment: *There was no public comment received.*

VI. Board Member/Department Comment:

Trustee Flood thanked the Highway Department for the work they did with snow and ice removal this winter.

Superintendent Weyant announced the 6th Annual Spring Clean event is scheduled for April 18 beginning at 9:30AM at the Smith Clove Elementary School. The semi-annual electronics pick-up is scheduled for May 1 and 2.

Mayor Queenan announced the Lion’s Club with the Central Valley Methodist Church will be hosting a food drive on April 18, 8AM-11AM and all are welcome to come for the free community breakfast. There is also a blood drive on April 19 at the ambulance building.

VII. Adjournment:

With no further business to discuss or comments received, a motion offered by Trustee Sutz, seconded by Trustee Flood, to adjourn the meeting at 7:15PM.

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

Desiree Potvin, Village Clerk