

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

Present: Michael Queenan, Village Mayor
Neil Crouse, Thomas Flood and David Sutz, Trustees
Absent: Timothy Egan, Trustee
Also Present: Jessica McClennan, Deputy Village Clerk; Michael Phillips, Water/Sewer Admin; Sandra Capriglione, Zoning Board; John Jones, First Asst Fire Chief

I. Public Hearings:

a. Offer of Dedication – Summit Avenue Pump Station:

A public hearing was continued from the March 12, 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 stated there are two outstanding items have not yet been resolved. The representative from Summit Avenue Properties sent an email to the Village Clerk requesting that the hearing be continued.

With no further comments received, a motion was offered by Trustee Crouse, seconded by Trustee Sutz, to continue the hearing to May 28, 2015.

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

b. OC Community Development Grant:

A public hearing was held to entertain suggestions for projects to be applied for funding through the FY2016 Orange County Community Development grant program. The public notice was printed in the Times Herald Record on April 16, 2015 and the following comments were received:

Trustee Crouse suggested the Village Engineer determine if there are any improvements to our water/sewer systems that would qualify.

Mayor Queenan noted that there is a plot of open space near the Valley Forge Sewer plant. Currently there is dumping being done there by the residents in the area. He suggests that some type of athletic field be created (like a basketball court), which would eliminate the dumping and also provide an additional recreation facility for the community.

Clerk Potvin recommended that a new municipal center be research with the Town as a shared services type grant. She also suggested the sidewalk in the Village, especially those along Smith Clove Road, be upgraded to have the required standards for the disabled. She then noted the Village Engineer has recommended the reconstruction of the Amdur Park Water Treatment Plant Lagoon, which will require an income survey of those homes in the water area to be conducted.

Trustee Sutz suggested upgrading of all the street lighting to be LED efficient.

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

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

Mayor Queenan noted a certified copy of the minutes of this public hearing will be forwarded to the Village Engineer for the application process.

c. Introductory Local Law – Placement of Containers – Solid Waste:

A public hearing was held to entertain public comments on Introductory Local Law 2 of 2015 entitled "Placement of Containers – Solid Waste" to create a new Chapter 235 of the Village Code to provide for regulations for the placement of refuse, garbage and recycling containers. The public notice was printed in the Times Herald Record on April 16, 2015 and the following comments were received:

Ben Meyers read the law said that it looks good to him. He asked if there is a reason as too why containers must be out by 4AM the day of collection and Trustee Sutz said it is to be sure that collection is not missed.

Peter McGoldrick stated he feels it is a good law and is something this is needed, noting that other communities have similar laws. He explained his experiences with his neighborhood and feels that it will also help clean up the Village.

John Smith stated he thinks this law was tried once before and did not work out well. A neighbor a few houses from him has extenuated circumstances and there is a concern about what would happen to him if the law is passed. Trustee Sutz stated that are organizations within the community that can assist individuals when this occurs. Clerk Potvin explained that Building Inspector Thomasberger has the ability to look at each circumstance to determine if the issue is one that could be rectified or if there is an existing issue causing the violation to occur.

John Jones thanked the Board for creating this law. He stated there are currently nine containers sitting across the street from his house every day. He asked if bulk pick-up is addressed in the law and he was told only container placement.

Matt Higgins thanked the Village Board for trying to help with the values of our home. He feels that the fine is too high. Mayor Queenan explained the fine is in correlation to the cost to pay the Building Inspector to appear in court. Mr. Higgins stated he is also concerned about the bulk pick-up not being addressed.

Trustee Crouse stated a couple of senior citizens have approached him about being able to remove the container in the timeframe provided and was glad to hear that Building Inspector Thomasberger will be able to evaluate each circumstance based on issues.

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 Sutz, seconded by Trustee Crouse, to adopt Local Law 2 of 2015 entitled "Placement of Containers – Solid Waste" as printed at the end of these minutes.

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 Sutz, seconded by Trustee Flood, to accept the minutes of the regular meeting held April 9, 2015.

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

b. Approval of Abstract:

Motion was offered by Trustee Crouse, seconded by Trustee Flood, to approve Abstract 21 containing vouchers 20141456 – 20141506 and totaling \$205,180.27.

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

c. Fire Department 2015 Slate of Officers:

Motion was offered by Trustee Flood, seconded by Trustee Sutz, to adopt the 2015 slate of officers for the Woodbury Fire Department as follows: Scott McClennan, Fire Chief; John Jones, First Assistant Fire Chief; Pasquale Prozzillo, Second Assistant Fire Chief.

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

It was noted that Chris Burke will serve as Captain of the Highland Mills Fire Company. There is no Captain assigned for the Central Valley Fire Company.

d. Fire Department Membership Application:

Motion was offered by Trustee Crouse, seconded by Trustee Flood, to accept the application received from Alexander Rosario for membership to the Highland Mills Fire Company.

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

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

IV. New Business:

a. Resolutions – Water Re-Levies:

Motion was offered by Trustee Sutz, seconded by Trustee Crouse, to approve the following resolution for the levy of 603 delinquent water bills from the Consolidated Water Fund that totals \$101,777.08 (includes \$2000 in fines against Brigadoon Sewer Fund) complete list on file in Village Clerk's Office):

WHEREAS, the Water/Sewer Administrator, Michael Phillips, prepared a list of delinquent water bills on April 3, 2015 in the Village of Woodbury Consolidated Water Fund which has been submitted to the Village Clerk and who, in turn, has prepared and filed with the Village Board a statement showing all water rents and charges and amounts due as of April 3, 2015, and

WHEREAS, the State Law allows the Village Board to adopt a resolution that the aforesaid delinquent water bills shall become liens against the property of the individual property owners which liens shall then be taxed as part of the 2015/2016 Village property tax bill, and

WHEREAS, it is necessary for the Village Board adopt such resolution so the County, when printing the 2015/2016 Village property tax bills, may levy the delinquent water bills against the property.

NOW, THEREFORE BE IT RESOLVED, that the delinquent water statements submitted to the Village Board by the Village Clerk pursuant to State Law shall be forward to the Orange County Real Property Tax Department by the Mayor so that they shall levy such sums against the property which is liable for said delinquent water statements and shall state the amount of the tax in a separate column in the annual tax rolls for the year 2015/2016 Village property taxes; and

BE IT FURTHER RESOLVED, that a copy of this resolution with the delinquent water statements shall be immediately transmitted to the County's Real Property Tax Department.

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Queenan AYES
Trustee Crouse AYES

Trustee Egan	ABSENT
Trustee Flood	AYES
Trustee Sutz	AYES

Delinquent Water Bills - Water #6 Fund (Amdur Park):

Motion was offered by Trustee Crouse, seconded by Trustee Flood, to approve the following resolution for the levy of 24 delinquent water bills from the Water #6 Fund (Amdur Park) that totals \$3,302.37 (complete list on file in Village Clerk’s Office):

WHEREAS, the Water/Sewer Administrator, Michael Phillips, prepared a list of delinquent water bills for April 3, 2015 in the Village of Woodbury Water #6 Fund which has been submitted to the Village Clerk and who, in turn, has prepared and filed with the Village Board a statement showing all water rents and charges and amounts due as of April 3, 2015, and

WHEREAS, the State Law allows the Village Board to adopt a resolution that the aforesaid delinquent water bills shall become liens against the property of the individual property owners which liens shall then be taxed as part of the 2015/2016 Village property tax bill, and

WHEREAS, it is necessary for the Village Board adopt such resolution so the County, when printing the 2015/2016 Village property tax bills, may levy the delinquent water bills against the property.

NOW, THEREFORE BE IT RESOLVED, that the delinquent water statements submitted to the Village Board by the Village Clerk pursuant to State Law shall be forward to the Orange County Real Property Tax Department by the Mayor so that they shall levy such sums against the property which is liable for said delinquent water statements and shall state the amount of the tax in a separate column in the annual tax rolls for the year 2015/2016 Village property taxes; and

BE IT FURTHER RESOLVED, that a copy of this resolution with the delinquent water statements shall be immediately transmitted to the County’s Real Property Tax Department.

ADOPTED BY ROLL CALL AS FOLLOWS:

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

b. Liquor License Notification:

Notice was received on April 3, 2015 that Matrix Gasho, 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.

c. Schedule Special Meeting – Interviews for Various Boards:

Motion was offered by Trustee Crouse, seconded by Trustee Sutz, to schedule a special meeting to be held on May 4, 2015 at 6:30PM to hold an executive session to conduct interviews for vacancies on the Planning and Zoning Board of Appeals.

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

d. Renew Energy Rates – Electric Supply:

Motion was then offered by Trustee Sutz, seconded by Trustee Crouse, to authorize the Mayor to sign a contract for 26 months with Direct Energy at a price of \$0.06995/kWh for the purchase of electrical supply. The contract period will begin September 2015.

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

Trustee Sutz stated this company is saving us over \$7,400 annually by bidding out our energy costs.

V. Public Comment:

Matt Higgins asked for comments about the court judgment that voided our zoning code. Mayor Queenan stated the Village Comprehensive Plan was challenged by the Village of Kiryas Joel and Judge Nicoli ruled in their favor, which voided our zoning code as well. The argument was that we lacked high density zoning on our western border. The judgment is being appealed and it has been going on for months. Trustee Sutz stated that Judge Nicoli has retired so the case will be going before a different judge.

John Callahan asked where the 133 acres are located in Woodbury that are being annexed by the Village of Kiryas Joel. Mayor Queenan stated there is currently no annexation petitions in Woodbury. There are a lot of rumors being printed on various social media outlets. He suggested that residents call the Village Hall to obtain factual information. He assured the public that the Board is staying on top of issues so they are educated.

Peter McGoldrick stated the WCA golf outing is planned for June 5 and is their annual fundraiser. This fundraiser always the group to give out scholarships, donate to the food pantry and Toys for Tots. There will be a mailing to all residents about the fundraiser and flyers in community businesses to advertise and get sponsorships.

VI. Board Member/Department Comments:

Trustee Sutz noted that he represented the Board at a recent Eagle Scout Ceremony. for thanked the Mayor for presenting to Christian Bouachri. The project he did to obtain this status was to construct a gazebo and medication area at the Ambulance.

Trustee Flood noted that the State recently installed crosswalk signage along Route 32.

VII. Adjournment:

With no further business to discuss or comments received, a motion was offered by Trustee Sutz, seconded by Trustee Crouse, to adjourn the meeting at 7:40PM.

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

Desiree Potvin, Village Clerk

**VILLAGE OF WOODBURY
LOCAL LAW 2 OF 2015**

**A LOCAL LAW CREATING A NEW CHAPTER 235 OF THE CODE OF THE VILLAGE OF WOODBURY
ENTITLED “PLACEMENT OF CONTAINERS – SOLID WASTE” TO PROVIDE REGULATIONS FOR THE
PLACEMENT OF REFUSE, GARBAGE AND RECYCLING CONTAINERS FOR COLLECTION.**

BE IT ENACTED by the Village Board of Trustees the Village of Woodbury, Orange County, New York, as follows:

SECTION 1. Chapter 235 is hereby enacted as follows:

Chapter 235 – Placement of Containers – Solid Waste

§235-1 Legislative Intent

§235-2 Definitions

§235-3 Container, placement and removal of

§235-4 Enforcement

§235-5 Penalties of Offense

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**§235-1 Legislative Intent**

The purpose of this chapter is to provide basic standards governing the placement and removal of containers used for the disposal of solid waste, garbage, refuse and recycling on all residential lots located within the Town of Woodbury’s Refuse District. Further purpose of this law is to ensure the safety and quality of life of all residents of the Village, and to protect the visual appearance of our community.

**§235-2 Definitions**

- A. For purposes of this chapter, certain words and phrases shall be construed herein as set forth in this section unless it is apparent from the context that a different meaning is intended. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa.
  
- B. As used in this chapter, the following terms shall have the meanings indicated:

*CONTAINER* Any receptacle used for the collection of materials as required by the Town of Woodbury.

*GARBAGE* Any animal or vegetable refuse or waste matter capable of fermentation or decay.

*PERSON* Any individual, partnership, association, firm, corporation or any and all combinations of individuals acting in concert.

*RECYCLABLES* Discarded material which may be reclaimed, comprising solid waste consisting of newspapers, glass bottles and jars and metal food and beverage cans, plastics and such other materials as designed by resolution of the Village Board of Trustees.

*RESIDENCE* A building or parcel of land having two or fewer dwelling units.

*RESIDENT* A person residing in a residence.

*REFUSE* Discarded material, including paper boxes, bottles, tin cans, papers, rags, shoes, metal, rubber and wooden scrap and other material of the same general nature.

*SOLID WASTE* Materials or substances discharged, discarded or rejected as being spent, useless, worthless or in excess by the owner at the time of such discard or rejection, except sewage and other highly diluted water-carried materials or substances and those in gaseous form. Such waste shall include but is not limited to garbage, sludge, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal, abandoned vehicles, agricultural waste, industrial waste, commercial waste and construction and demolition debris.

### **§235-3 Container, placement and removal of**

- A. All materials to be collected shall be placed in a container at the curb in clear view not earlier than 3PM the day before or later than 4AM the day of scheduled collection. All such containers shall be removed from the curbs within a reasonable time after such collection and, in any event, not later than 24 hours after collection.
- B. When not in use during the times stated in §235-3(A), containers shall be kept adjacent to the house and/or garage of the residence or located at least twenty feet (20') from the curb line.

### **§235-4 Enforcement**

Enforcement of the Chapter shall be the responsibility of the Code Enforcement Officer/Building Inspector.

### **§235-5 Penalties of Offense**

- A. Penalties for violation of this article shall be as follows:
  - 1. \$50 for a first violation
  - 2. \$100 for the second violation
  - 3. \$250 for the third violation and all subsequent violations.
- B. These penalties may be recovered in a civil action in the Town of Woodbury Justice Court.

## **SECTION 2**

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

## **SECTION 3 Effective date.**

This local law shall take effect immediately upon filing with the Secretary of State in Albany.