

Minutes of the Village Board meeting held at Town Hall on January 14, 2016 at 7PM.

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

Absent: None

Also Present: Robert Weyant, Village Streets Superintendent; Jessica McClennan, Deputy Village Clerk; Michael Phillips, Water/Sewer Superintendent; Maria Hunter, Planning Board; David Sutz, Supervisor; Timothy Arone and Robert Hunter, Councilmen; James DiSalvo, County Legislator

**Appointment of Village Trustee:**

Motion was offered by Trustee Crouse, seconded by Trustee Flood, to appoint Anthony Mickolajczyk to the position of Trustee effective immediately to fill the sit formerly held by David Sutz. This term expires December 31, 2016.

**ADOPTED** AYES 4 Queenan, Crouse, Egan, Flood  
NOES 0

Clerk Potvin administered the Oath of Office to Trustee Mickolajczyk.

**I. Mid-Fiscal Year Reorganization:**

a. Deputy Mayor:

Mayor Queenan stated he appoints Timothy Egan as Deputy Mayor.

b. Board Liaisons/Appointed Positions:

Motion was offered by Trustee Egan, seconded by Trustee Crouse, to establish the following liaisons of the Village Board:

Liaison to Town Board	Mayor Queenan
Liaison to Planning Board	Trustee Crouse and Flood
Liaison to Zoning Board	Trustee Egan and Mickolajczyk
Liaison to Fire Department	Trustee Egan and Flood
Liaison to Water/Sewer Department	Mayor Queenan, Trustee Mickolajczyk
Liaison to Building Department	Mayor Queenan, Trustee Crouse
Liaison to Highway Department	Trustees Crouse, Mickolajczyk
Employee Liaisons	Mayor Queenan, Trustee Egan
Insurance Liaisons	Trustees Flood and Mickolajczyk
Municipal Building Committee (with Town)	Trustee Flood

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

Motion was then offered by Trustee Egan, seconded by Trustee Flood, to appoint the following individuals to the following positions:

Appeals Officer for FOIL's	Michael Queenan
Village Clerk/Treasurer/Registrar	Desiree Potvin
Procurement Officer	Michael Queenan

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

h. Meeting Dates and Meeting/Public Comment Procedures:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to adopt the following meeting procedures:

“That the Village Board hold regular meetings on the second and fourth Thursday of each and every month at 7PM, at Town Hall, 511 Route 32, Highland Mills, New York. If cancelled, notification will be given to the media and posted on the official signboard of the Town Clerk. Special meetings are to be called by the Mayor and all Trustees will be notified by telephone, electronic mail, in person or by postal service by the Village Clerk at least twenty-four hours in advance of the meeting unless in the opinion of the Mayor emergency conditions dictate the necessity of shorter notice. Agendas will be prepared by the Village Mayor and Clerk no later than twenty-four hours prior to all meetings. Items can be added and deleted when needed. Minutes of the meetings will be prepared by the Village Clerk in accordance with the Open Meetings Law. When action is required, a motion, followed by a second, will be asked for by the Mayor. A discussion can then be held and then each member will vote verbally on the issue (one vote per member). When required, the Board will be polled by the Village Clerk. If there is a dispute as to the form or priority of motions or other meeting procedural issues not set forth herein Roberts Rules of Order shall prevail, consistent with New York municipal law, with the Attorney for the Village acting as Parliamentarian. When all business is finalized, the meeting will be adjourned. Any deviation from these procedures must be determined by the Village Board.”

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

Motion was then offered by Trustee Egan, seconded by Trustee Crouse, to adopt the following procedures to be followed during the public comment segment of the meetings:

- a. The public may speak only during public comment or at any time the Village Board permits, for a period of five minutes. Time cannot be yielded to other members of the public;
- b. Comments are to be made to the Village Board only, not other members of the public or individual Board members;
- c. Speakers will observe commonly accepted rules of courtesy, decorum, dignity and good taste when addressing the Board and making comments;
- d. Written communication will be accepted/presented to the Village Clerk.

Any deviation from these procedures must be determined by the Village Board.

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

i. Procurement Policy:

Motion was offered by Trustee Crouse, seconded by Trustee Mickolajczyk, to adopt a procurement policy as follows:

**WHEREAS**, General Municipal Law (GML) 104-b requires every municipality to adopt internal policies and procedures governing all procurements of goods and services not subject to the bidding requirements of GML 103 or any other law; and,

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Village of Woodbury does hereby adopt the following procurement policies and procedures:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML 103. “Purchaser” is defined as a Village official, board member, department head or individual assigned by the department head to have purchasing authority. Pursuant to GML 104-b, they are listed as follows:

Building Department	Gary Thomasberger, Maria Rubio, Marian Tiplado,
Fire Department	Scott McClennan, John Jones, Pasquale Prozzillo Christopher Burke
Water/Sewer Department	Michael Phillips, Jason Braghirol, Jean Mundy
Mayor/Trustees	Michael Queenan, Desiree Potvin, Jessica McClennan

Clerk/Treasurer  
Highway Department

Desiree Potvin, Jessica McClennan, Carol Herb  
Robert Weyant, Sheila Beadle

Guideline 2. All purchases of (a) supplies or equipment which will exceed \$20,000 or (b) public works contracts over \$35,000 shall be formally bid pursuant to GML 103. In 2013 this amendment to GML 103 will sunset and the limits will return to \$10,000 for all purchases of supplies or equipment and \$20,000 for all public works contracts. When/If this occurs, then the limits listed in Guideline 3 exceeding the current limits will be null and void.

Guideline 3. Purchases of supplies or equipment shall require the following:

Less than \$20,000 but greater than \$10,000	Three written quotes with documentation
Less than \$10,000 but greater than \$5,000	Two written quotes with documentation
Less than \$5,000	Left to discretion of Purchaser

Pursuant to GML 103(1) purchases of “commodities, service or technology” may not be “artificially divided” for the purposes of satisfying the “discretionary buying thresholds”. “The reasonably expected aggregated amount of all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of the purchase” must be considered.

Purchases of public works/service contracts shall require the following:

Less than \$35,000 but greater than \$20,000	Three written quotes with documentation
Less than \$20,000 but greater than \$5,000	Two written quotes with documentation
Less than \$5,000	Left to the discretion of the Purchaser

Any written request for proposals (RFP) shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors for which quotes have been received by using the form provided by the Village Clerk. All information gathered in complying with the procedures of this policy shall be preserved and attached to the voucher that is submitted for processing of payment to the successful vendor.

In the event that a diagnostic examination results in charges that will fall under a procurement threshold requiring a form of documentation other than initially anticipated, management will determine if the work can proceed without fulfilling the standard requirements of the applicable threshold.

Guideline 4. The lowest responsible proposal/quote shall be awarded unless the Purchaser prepares a written justification providing reasons why it is in the best interested of the Village and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgments shall also be documented.

Guideline 5. A good-faith effort shall be made to obtain the required number of proposals/quotes. If the Purchaser is unable to obtain the required number of proposals/quotes, the Purchaser shall document the attempt(s) made. In no event shall the inability to obtain the proposals/quotes be a bar to the procurement.

Guideline 6. Except when directed by the Village Mayor, no solicitation of proposals/quotes shall be required under the following circumstances:

- a. Acquisition of professional services;
- b. Emergencies;

All purchases made under the emergency exception must meet the following criteria: 1) need arises from an accident or unforeseen occurrence or condition; 2) need affects public buildings/property or life, health and safety; 3) immediate action is needed and cannot await competitive bidding or competitive offering.

- c. Sole-Source situations;
- d. Goods purchased from agencies for the blind or severely handicapped;
- e. Goods purchased from correctional facilities;
- f. Goods purchased from another governmental agency;
- g. Goods purchased at auction;

Guideline 7 This policy shall be reviewed annually by the Village Board of Trustees at its organizational meeting or as soon thereafter as is reasonably practicable.

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

## II. Administrative Business:

### a. Acceptance of Minutes:

Motion was offered by Trustee Crouse, seconded by Trustee Flood, to accept the minutes of the regular meeting held December 10, 2015

**ADOPTED** AYES 4 Queenan, Crouse, Egan, Flood  
ABSTAIN 1 Mickolajczyk

Motion was then offered by Trustee Crouse, seconded by Trustee Flood, to accept the minutes of the special meeting held December 22, 2015.

**ADOPTED** AYES 4 Queenan, Crouse, Egan, Flood  
ABSTAIN 1 Mickolajczyk

### b. Approval of Abstract:

Motion was offered by Trustee Crouse, seconded by Trustee Egan, to approve Abstract 15 containing vouchers 150931 – 151022 totaling \$1,057,412.41.

**ADOPTED** AYES 4 Queenan, Crouse, Egan, Flood  
ABSTAIN 1 Mickolajczyk

### c. Fire Department Equipment Requisitions:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to approve Fire Department Equipment Request 2015-31 totaling approximately \$527.20 for the purchase of helmet shields and thermal imaging camera batteries; and Request 2015-32 totaling approximately \$1899.90 for an upgrade to the Firehouse Software program to a cloud based version.

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

### d. Use of Building Request:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Crouse, to approve the request to use the meeting room on January 23, 6PM-10PM by the Woodbury Girl Scouts and on February 7, 7AM-1PM by the John P Burke Memorial Committee.

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

### e. Update – Fire Department Membership:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to change the status of the following individuals from active to inactive effective immediately as requested by HMFC Captain Burke: William Rivera, Nicholas DeSisto, Timothy Ryan, William McClennan, Avery Javier and Dylan McCarthy,

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

f. Close Capital Project Account to Reserve Account:

Motion was offered by Trustee Egan, seconded by Trustee Mickolajczyk, to close the Capital Project account entitled "Capital Project – Valley Forge" with a balance of \$5344.98 and transfer these remaining funds in the Capital Reserve account entitled "Capital Reserve – GV Equipment".

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

g. Create Two Highway Reserve Accounts:

Motion was offered by Trustee Crouse, seconded by Trustee Flood, to adopt the following resolution to create two Highway Reserve Funds, as transferred to the Village by the Town of Woodbury, pursuant to the Inter-Municipal Agreement:

**RESOLVED**, that pursuant to Section 6-c of the General Municipal Law, as amended, this Village Board of the Village of Woodbury does hereby establish a Capital Reserve Fund to finance (1) the cost of highway equipment/building and (2) the cost of road improvements.

**BE IT FURTHER RESOLVED** that the Mayor or Deputy Mayor is hereby directed to deposit monies of this reserve fund in a separate bank account to be known as the "Highway Equipment/Building Reserve Fund" and "Highway Road Improvement Reserve Fund".

**BE IT FURTHER RESOLVED** that the Mayor or Deputy Mayor is authorized to invest the monies of this fund pursuant to Section 6-f of the General Municipal Law. No expenditures shall be made from this fund, except upon authorization of the Village Board pursuant to Section 6-c of the General Municipal Law.

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

h. Update – Fee Schedule:

Motion was offered by Trustee Egan, seconded by Trustee Mickolajczyk, to recognize the following fees on the fee schedule:

Highway Department:

Road Opening Permit Fee	\$250
Leaf Bags	5 for \$2

Water Department:

Water Meter	\$300
Water Inspection	\$300
Sewer Inspection	\$300

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

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

**IV. New Business:**

a. Request to Transport Fill into Village:

A request was received on December 15, 2015 from Flair Banke requesting to import soil from the Village of Kiryas Joel to 8 Evans Drive in Highland Mills. Pursuant to Section 149-6 of the Village Code<sup>1</sup>, Village Board approval is required. A stop work order has been issued by the Building Department due to contaminated soil being illegally dumped on this property several months ago. Mr. Banke has removed the contaminated soil but the Village is not aware of the testing results of the property now. In addition, he will ensure the soil coming from Village of Kiryas Joel will be tested by Mr. Banke's engineer prior to being delivered and a copy of the soil analytical report will be filed with the Building Department. Trustee Egan has stated he approves the fill import as long as all reports are on file with the Building Department. Trustee Crouse agreed but would also be sure the results of the site testing after the contamination was removed is on file as well. Trustee Mickolajczyk asked how the imported soil will be tested and Mayor Queenan stated he feels each truck load should be tested prior to delivery. Trustee Crouse stated that could be costly to the property owner and suggested the site where the soil is coming from be tested only. Trustee Egan stated he feels it is the Boards responsibility to protect all residents and feels agrees each truck load should be tested. Mayor Queenan agrees with all comments, noting that blame is not being assigned to the property owner for the contamination that occurred. He added the Board needs to be a little strict with this but at the same time not making it impossible for the property owner.

Motion was then offered by Trustee Egan, seconded by Trustee Crouse, to authorize the Building Inspector to issue a permit for the importing of soil from the Village of Kiryas Joel into the Village of Woodbury to 8 Evans Drive, Highland Mills, subject to (1) receiving a report that all contaminated soil has been removed from this site and (2) receipt of a soil analytical report for the soil being imported from the Village of Kiryas Joel per truck load.

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

b. Authorize Mayor to Sign IMA – Salt Storage for MWCS D:

Motion was offered by Trustee Egan, seconded by Trustee Crouse, to authorize the Mayor to sign an Inter-Municipal Agreement with the Monroe-Woodbury Central School District to permit them to store their salt supply in our shed.

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

Trustee Crouse asked Superintendent Weyant if the Village would be able to obtain grant funding under a shared services program. Superintendent Weyant stated our salt shed will be the school back-up, their main supply will remain in Monroe.

c. Approve Stop Sign – Maple Road/Edgewood Drive:

Motion was offered by Trustee Egan, seconded by Trustee Crouse, to approve the erection and enforcement of a "Stop" sign and bar at the intersection of Maple Road and Edgewood Drive (one sign for northbound, one sign for southbound), as the requested of Village Street Superintendent Weyant.

**ADOPTED**      AYES    5            Queenan, Crouse, Egan, Flood, Mickolajczyk

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<sup>1</sup> §149-6 Any person, owner, occupant that wishes to place clean fill within the Village limits where-as such fill is obtained or located outside Village limits must secure approval from the Village Board. The Village Board may require that an independent inspector be on-site during the duration of the placement of such clean fill material to inspect and test the material. All expenses to conduct such inspection and testing shall be paid by the applicant by means of posting a deposit in escrow that will be used to pay invoices associated with said inspections. An estimate will be prepared by the Village and must be posted prior to a building permit being issued. Should the escrow become in default, a "stop work" order will be issued until replenishment is made.

NOES 0

d. Acknowledge Receipt of Fire Department By-Laws:  
Tabled

e. Resolution –Re-Levy Exempt Property:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Flood, to adopt the following resolution to re-levy a prorated tax amount due on property located at 6 Birchwood Drive, Highland Mills, (Section 211, Block 2, Lot 1) that was previously eligible for a veteran exemption:

**WHEREAS**, on October 1, 2015, 6 Birchwood Drive, Highland Mills, was sold; and

**WHEREAS**, the owner of the property was eligible for a veteran exemption on his property taxes and upon the sale this exemption must be removed; and

**WHEREAS**, notification was received by the Village Clerk on January 13, 2016 from the Woodbury Assessor that the prorated amount that needs to be re-levied onto the FY16/17 taxes for this property is \$17.48.

**NOW THEREFORE, BE IT**

**RESOLVED** that the Village Board directs the Village Clerk, Village Tax Collector and any other Village official, employee or agent of the Village to take any and all necessary actions to levy and collect the amount of \$17.48 upon the affected land in the same manner as all other Village Charges and to take any necessary actions to execute and record a lien upon such land.

**ADOPTED** AYES 5 Queenan, Crouse, Egan, Flood, Mickolajczyk

NOES 0

**V. Public Comment:**

Mary Gross Ferraro informed the Board that the property they approved the importing of fill on is located on top of the aquifer.

Matt Higgins stressed concerns he has about the property and the fill that will be used. He then noted that at the last meeting the Village Board stated that they were against the Kiryas Joel pump house being erected on Ridge Road but he sees it is on the Planning Board agenda. Mayor Queenan stated the Village Board is not in favor of it but there is an application currently before the Planning Board.

Maria Hunter congratulated Trustee Mickolajczyk on his appointment. She then confirmed that the Kiryas Joel application is on the next Planning Board agenda for the pump house (Mountainville Well connection) and treatment center (two separate applications).

Councilman Hunter stressed concerns he has with the fill project and stated he does not understand what they are trying to accomplish. He was told the Building Department has that information. He is also concerned about damage to the road that may occur due to the trucks and Superintendent Weyant stated there is a road bond in place.

Supervisor Sutz congratulated Trustee Mickolajczyk on his appointment. He stressed that the Town and Village will be working together closely over the next year and looking forward to the Municipal Building Committee results.

Jonathan Swiller stated he was told that the Kiryas Joel pipeline to the Mountainville wells did not have shutoff valves. Superintendent Phillips stated he would look into the issue for the Village Board.

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

The Board collectively welcomed Trustee Mickolajczyk and all stated they look forward to working with him this year. Trustee Mickolajczyk thanked the Board for the appointment and he will do all he can to service the best interests of the community. Trustee Flood thanked all that applied and stated the Board is appreciative to all of those individuals that showed an interest.

**VII. Adjournment:**

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

<b>ADOPTED</b>	AYES	5	Queenan, Crouse, Egan, Flood, Mickolajczyk
	NOES	0	

Desiree Potvin, Village Clerk