

Minutes of the Village Board Meeting held at Town Hall on May 24, 2016 at 7PM

Present: Michael Queenan, Mayor
Neil Crouse, Thomas Flood and Anthony Mickolajczyk, Trustees
Absent: Timothy Egan, Trustee
Also Present: Sandra Capriglione, Zoning Board; John Smith, Town Parks Commission

I. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Crouse, seconded by Trustee Mickolajczyk, to accept the minutes of the regular meeting held May 12, 2016.

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

b. Approval of Abstract:

Motion was offered by Trustee Flood, seconded by Trustee Crouse, to approve Abstract 24 containing vouchers 151730 - 151837 and totaling \$170,158.66.

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

c. Adoption of FY16-17 Holiday Schedule:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Flood, to adopt the FY2016/2017 Holiday schedule as follows: July 4 (Monday) Independence Day, September 5 (Monday) Labor Day, October 10 (Monday) Columbus Day, November 11 (Friday) Veterans Day, November 24 (Thursday) Thanksgiving, November 25 (Friday) Day after Thanksgiving, December 26 (Monday) Christmas Day, January 2 (Monday) New Year's Day, January 16 (Monday) Martin Luther Day, February 20 (Monday) President's Day, April 17 (Monday) Floating Holiday and May 29 (Monday) Memorial Day.

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

d. Appointment of Seasonal Laborer – Highway Department:

Motion was offered by Trustee Crouse, seconded by Trustee Flood, to appoint Kirk Villacres as a seasonal laborer in the Highway Department. This position is paid \$13.00/hour and will begin June 6, 2016 and end December 2, 2016.

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

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

III. New Business:

a. Appointments to Planning/Zoning Board effective June 1, 2016:

Motion was offered by Trustee Crouse, seconded by Trustee Mickolajczyk, to appoint Sandra Capriglione to the Planning Board with a term to expire May 31, 2021 (seat formerly filled by Gary Kestenbaum).

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

Motion was then offered by Trustee Mickolajczyk, seconded by Trustee Flood, to appoint Joseph DeVenuto to the Zoning Board of Appeals with a term to expire May 31, 2021 (seat formerly held by Sandra Capriglione).

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

The Board members congratulated Mrs. Capriglione and Mr. DeVenuto on their appointments.

b. Insurance Policy Proposals and Acceptance – FY16-17:

Two proposals were received for insurance coverage for fiscal year 2016-2017. Our current agent, Marshall & Sterling, presented a proposal totaling \$120,578.40 and the other proposal, from the McKane Group, was for \$108,363.00, but like last year, we would need to pay a fee to buy out of our current plan with NYMIR. Both proposals were reviewed and the some of the differences are:

- Inland Marine Coverage – The deductible with Marshall & Sterling is \$500 on all unscheduled equipment (mostly portable fire department) and the McKane proposal has it at \$1,000.
- Crime Coverage – The McKane proposal has a \$10,000 deductible on Employee Dishonesty, Computer Fraud and Funds Transfer Fraud. The deductible with Marshall & Sterling is \$2,500. Marshall & Sterling also includes excess employee dishonesty limits of \$500,000 on the Clerk/Treasurer, Deputy Clerk/Treasurer and Tax Collector. That coverage does not appear to be included in the McKane proposal. Marshall & Sterling also covers employee dishonesty losses caused by volunteers (i.e. firemen). The McKane proposal does not appear to extend to volunteers.
- General Liability – The Marshall & Sterling proposal includes everything outlined in the McKane proposal but also includes pollution coverage for the Fire Department and Water/Sewer Department.
- Automobile – The McKane proposal has the Personal Injury Protection limit set as \$50,000. Marshall & Sterling has it set at \$150,000.
- Umbrella – The McKane proposal has an occurrence limit of \$5,000,000 while Marshall & Sterling's is \$4,000,000. The McKane proposal has an aggregate limit of \$5,000,000 while Marshall & Sterling's is \$8,000,000.

Trustee Crouse also noted that the Village has been using the services of Marshall & Sterling since its creation in 2006 and the relationship has been a very positive one. Trustee Flood agreed that Marshall & Sterling has always treated the Village fairly and he feels comfortable staying with their service. Trustee Mickolajczyk stated that believes staying with Marshall & Sterling is worth it. Motion was offered by Trustee Crouse, seconded by Trustee Mickolajczyk, to accept the proposal received from Marshall & Sterling for insurance coverage for the FY2016/2017 totaling \$120,578.40.

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

c. Receipt of Draft MS4 Annual Report:

Mayor Queenan stated the State Pollutant Discharge Elimination System (SPDES) permit procedures require the Village, as an operator of a regulated Municipal Separate Storm Sewer System (MS4), file an Annual Report to continue to maintain permit coverage. A draft of the Annual Report for the period ending March 9, 2016 has been posted to the Village's website for inspection and comment. The report complies with the DEC mandatory format. The final report will be filed with the State prior to the deadline of June 1, 2016.

d. Engage Professional Service – Land Surveyor:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Flood, to authorize the Mayor to sign a proposal with James A Dillin, Professional Land Surveyor, to survey the Village/Town boundary adjacent to the Town of Blooming Grove/Village of South Blooming Grove. It appears a map was filed with the County that altered the line with no knowledge given to the four municipalities. All four municipalities are working together to have the boundary dispute resolved and will share the cost to do so.

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

Trustee Mickolajczyk commended Mayor Queenan for working with the other municipalities to have this corrected and doing so in the most fiscally responsible manner.

EXTRA ITEM – Resolution Authorizing Appeal:

Motion was offered by Trustee Crouse, seconded by Trustee Flood, to adopt the following resolution authorizing special counsel to file a notice of appeal of the decision and order of the Albany County Supreme Court Justice (Hon. Henry F. Zwack):

WHEREAS, the Village of Woodbury (hereinafter the “Village”) retained the services of Feerick Lynch MacCartney PLLC (now Feerick Lynch MacCartney & Nugent, PLLC) to represent the Village in an Article 78 proceeding entitled In the Matter of Woodbury, et al., v. Seggos, et al., (Albany Supreme Court, Index # 5580-15); and

WHEREAS, the Supreme Court of the County of Albany (Hon. Henry F. Zwack) issued a Decision and Order (“Decision”) dated May 19, 2016, dismissing the Petition-Complaint of the Petitioners, including the Village, in that proceeding; and

WHEREAS, the Village desires to preserve its rights to pursue an appeal of the Decision to seek reversal of the Decision of the Albany County Supreme Court; and

WHEREAS, the Village desires its counsel, Feerick Lynch McCartney & Nugent, PLLC, to prepare and file the required Notice of Appeal and any other required documents on behalf of the Village.

THEREFORE BE IT RESOLVED, that:

- 1) The above "Whereas" are incorporated by reference as if set forth fully herein.
- 2) The Village Board hereby authorizes Feerick Lynch McCartney & Nugent, PLLC (“Special Counsel”) to prepare and file a Notice of Appeal, pre-calendar statement and any other documents necessary to preserve the Village’s right to appeal the Decision under the same terms and conditions as Special Counsel has previously represented the Village.
- 3) The Mayor is hereby authorized to take any and all necessary actions and execute all necessary documents to carry out the provisions of this Resolution.
- 4) This Resolution shall be effective immediately.

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

IV. Public Comment:

Sandra Capriglione asked who submitted the map to the County causing the change in boundary line. Mayor Queenan stated it is unclear but all four municipalities are dedicated to have it corrected. Mrs. Capriglione then asked if our attorney can request a different judge could be assigned to the case we are appealing and Trustee Crouse stated the appeal would need to go before a different judge as a matter of practice.

V. Board Member/Department Comment:

Trustee Crouse reminded all that the Memorial Day Parade is May 29 and will begin at 1PM. Trustee Mickolajczyk added that the Community Association will be providing hotdogs and ice cream to

the walkers at the end of the parade. Trustee Flood noted the Allegro Orchestra will be playing in the parking lot of the Education Center during the parade as well.

VI. Adjournment:

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

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

Desiree Potvin, Village Clerk