

Minutes of the Village Board Meeting held at Town Hall on February 23, 2017 at 7PM

Present: Michael Queenan, Mayor  
Neil Crouse, Thomas Flood and Anthony Mickolajczyk, Trustees  
Absent: Timothy Egan, Trustee  
Also Present: Michael Phillips, Water/Sewer Administrator; Jason Braghirol, Assistant Water/Sewer Administrator; David Sutz, Town Supervisor; John Smith, Parks Commission

**I. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Flood, seconded by Trustee Mickolajczyk, to accept the minutes of the regular meeting held January 26, 2017.

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

b. Approval of Abstracts:

Motion was offered by Trustee Crouse, seconded by Trustee Flood, to approve Abstract 17 (dated February 9, 2017) containing vouchers 161489 - 161589 and totaling \$203,874.76.

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

Motion was then offered by Trustee Mickolajczyk, seconded by Trustee Flood, to approve Abstract 18 containing vouchers 161590 - 161693 and totaling \$166,723.88.

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

c. Budget Modification(s):

Motion was offered by Trustee Flood, seconded by Trustee Crouse, to approve a modification to the General Fund budget totaling \$28,100 by decreasing A9010.800 (NYS Retirement) by \$28,100 and increasing A1210.444 (Mayor Schools/Dues) by \$100, A1420.402 (Attorney - PB) by \$3000, A1440.411 (Planner - Contractual) by \$10,000, A1440.412 (Planner - PB) by \$1000, A1650.401 (Central Telephone) by \$10,000, A1670.401 (Central Printing) by \$4000.

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

Motion was then offered by Trustee Flood, seconded by Trustee Crouse, to approve a modification to Water/Sewer Fund budgets as follows:

- Consolidated Water totaling \$152,520 by decreasing FC9010.800 (NYS Retirement) by \$7020 and increasing FC909 (Fund Balance) by \$145,500, FC8310.422 (Blacktop) by \$7020, FC8310.469 (Special Projects) by \$145,500;
- Valley Forge Sewer totaling \$5555 by decreasing GV8110.200 (Equipment) by \$2755, GV8110.441 (Sludge Removal) by \$2800 and increasing GV8110.401 (Telephone) by \$210, GV8110.410 (Bonding Expense) by \$1545, GV8110.466 (Generator Service) by \$3800;
- Consolidated Sewer totaling \$125,500 by decreasing GC8110.439 (OC Sewer District) by \$125,500 and increasing GC8110.437 (Special Projects) by \$115,100, GC8110.466 (Generator Service) by \$10,400

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

Motion was then offered by Trustee Mickolajczyk, seconded by Trustee Crouse, to approve a modification to the Highway Department totaling \$60,000 by decreasing A5010.403 (Heating Oil/Gas) by

\$7500, A5110.470 (Road Oil) by \$40,000, A5110.475 (Road Stripping) by \$6500, A5110.476 (Trees) by \$2000, A5110.477 (Garage Perimeter) by \$4000, and increasing A5010.444 (Schools/Dues) by \$150, A5010.471 (Medical Supplies) by \$750, A5110.448 (Misc. Repairs) by \$4000, A5110.451 (Tools-Inside) by \$2500, A5110.452 (Sand/Gravel) by \$5000, A5110.469 (Drainage Pipe) by \$12,000, A5110.452 (Blacktop Equipment) by \$1000, A5130.468 (Sweeper Repairs) by \$3000, A5140.425 (Grounds Weed Control) by \$7500, A5010.420 (Electronic Collection) by \$20,000, A5110.465 (Blacktop) by \$4100.

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

d. Authorize Mayor to Sign Contract – Water/Sewer Employees Union:

Motion was offered by Trustee Flood, seconded by Trustee Mickolajczyk, to authorize the Mayor to sign an agreement between the Village of Woodbury and the Laborers International Union of North America, Local No. 17 representing the Water/Sewer Employees for a term beginning June 1, 2017 and ending May 31, 2022.

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

e. Authorize Mayor to Sign Contract – Water/Wastewater Administrator:

Motion was offered by Trustee Crouse, seconded by Trustee Mickolajczyk, to authorize the Mayor to sign an agreement between the Village of Woodbury and Michael Phillips, Water/Wastewater Administrator for a term beginning June 1, 2017 and ending May 31, 2022.

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

f. Advertise for Upcoming Expiring Terms – Planning/Zoning Board:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Flood, to authorize the Village Clerk to advertise for upcoming expiring terms on the Planning Board and Zoning Board of Appeals. Letters of interest will be due by 4PM on April 7, 2017.

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

## II. Old Business

a. Presentation – OCDES Communication System:

Joseph Dopico, Senior Principal with Maser Consulting, explained the County's upgrade of their communication system. As part of the upgrade, they are expanding the number of towers from eight to 15, with two of them being in the Village of Woodbury. The towers will be connected via microwave and the radios will be a Motorola P-25 simulcast system with 95% portable radio coverage. The system will go online with approximately 3500 first responder users. The cost of the project will be in excess of \$25 million with radios valued at approximately \$500,000 going to emergency agencies in Woodbury. At this time they are seeking the Board's guidance in finalizing their SEQRA and obtain approval for tree clearing. They would like to clear trees from an area approximately 100' by 100' on top of Schunnemunk Mountain. The trees are mostly 10-15' tall scrub pine and the land is being leased by the County from Woodbury Field and Stream. Since the location is the highest point in Orange County it is pivotal to their projects overall success. One tower will be 180' tall and it will be their only tower that will have a line of sight to all of their other towers, and provide increased coverage in Harriman State Park. The other tower will be located at Arden House and they are actively working with Crown Castle Tower Company to put their equipment on their existing tower. They currently do not have room to accommodate the County's needs but they are trying to put an extension on the existing tower. The tower in Arden will

provide the County with coverage for Harriman State Park, Interstate 87 and the Town of Tuxedo. Mr. Dopico noted the Village's Code does not address communication towers, only cellular towers. They are looking for a waiver from the planning/zoning process, which other municipalities have provided to them already. Mayor Queenan stated he believes the Board is in favor of the project but the correspondence received only sought permission to remove the trees, not requesting a waiver. He will need to check with counsel to determine if the Board can legally waive the planning/zoning board process. Trustee Flood asked if a better visual display is available to see the proposed tower and he was told they do not have one at this time. He then asked if the Woodbury Field & Stream has any issues with the proposal and Mr. Dopico stated they have no concerns, just that they be notified when the County needs to access the tower. He added the County does not plan on putting anything commercial on the tower as it will be strictly for emergency services and municipal use. Trustee Crouse asked that the County commit that they will not allow collocation on the tower and Deputy Commissioner Allen Wierzbicki stated they commit. Trustee Crouse asked if ridge preservation review would be required and Mayor Queenan stated no since there is currently a tower on the site. Mayor Queenan stated he will reach out to counsel to see if the Village is able to issue a waiver and should have an answer by early next week. Motion was then offered by Trustee Flood, seconded by Trustee Crouse, to approve the request to clear trees on the Schunnemunk site and, pending advice from counsel, approve the requested waiver.

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

b. Reschedule Public Hearing – Senior Housing Zoning Amendment:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Crouse, to reschedule a public hearing that was to be on February 9, 2017 at 7PM to now be held March 9, 2017 at 7PM to entertain public comment on the adoption of Introductory Local Law 1 of 2017 amending sections of Chapter 310-36 of the Village Code entitled "Zoning - Senior Citizen Housing Developments"

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

**III. New Business:**

a. Schedule Public Hearing – Harvesting Permit Application:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Crouse, to schedule a public hearing to be held on March 9, 2017 at 7PM to entertain public comments on the application of County Logging for a special permit pursuant to Chapter 286 of the Code of the Village of Woodbury to conduct a commercial harvesting operation on property located off Smith Clove Road/Mineral Springs Road (development formerly known as Legacy Ridge and owned by the Open Space Institute).

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

b. Schedule Public Hearing – Tax Cap Override Introductory Local Law:

Motion was offered by Trustee Crouse, seconded by Trustee Flood, to schedule a public hearing to be held at 7PM on March 9, 2017 at Town Hall to entertain public comments on Introductory Local Law 2 of 2017 entitled "Tax Cap Override" to authorize the Village Board to override the property tax cap for FY2017/2018 if necessary.

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

c. Authorize Mayor to Sign Contract – NP&V Planning Services:

Motion was offered by Trustee Crouse, seconded by Trustee Mickolajczyk, to authorize the Mayor to sign a retainer/contract with Nelson, Pope & Voorhis, LLC, for planning services. This will transfer assignment from Turner Miller Group to NP&V due to their merger.

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

d. Resolution of Support – Assembly Bill 2446:

Correspondence was received from representatives from the Town of Rosendale requesting support of Assembly Bill A-2446, which would amend the Transportation Corporations Law to extend approval authority to towns for the siting of pipelines within their jurisdiction. Currently this authority only confers to villages and cities. Motion was offered by Trustee Crouse, seconded by Trustee Mickolajczyk, to adopt the following resolution requesting State Legislative Representatives to sponsor/co-sponsor Assembly Bill 2446 amending Section 87 of the Transportation Corporations Law in relation to construction of pipelines:

**WHEREAS**, the proposed construction of major new oil pipelines will impact the lands and communities of the Village of Woodbury and 31 other towns, cities, and villages in the Hudson Valley, Catskill Region and Capital District, raising issues of safety, public health, and economic injury of concern to local government; and

**WHEREAS**, Section 87 of the Transportation Corporations Law gives Villages and Cities important powers over the oil pipeline siting process, allowing them to disapprove the construction of such pipelines through their jurisdictions; and

**WHEREAS**, under said section of law, Towns do not have comparable authority; and

**WHEREAS**, extending such authority to Towns is appropriate and consistent with Municipal Home Rule; and

**WHEREAS**, Assembly Member Frank Skartados has introduced Assembly Bill 2446 to amend Section 87 of the Transportation Corporations Law to extend this power to Towns, giving Towns parity with Villages and Cities.

**NOW THEREFORE BE IT**

**RESOLVED**, that the Village of Woodbury Board of Trustees hereby requests that State Senator William Larkin sponsor the same bill in the New York State Senate; and be it further

**RESOLVED**, that the Village of Woodbury Board of Trustees requests that Assembly Member James Skoufis to co-sponsor Assembly Bill 2446; and be it further

**RESOLVED**, that the Village of Woodbury Board of Trustees urges its State Legislative Representatives to support passage of this important legislation in the 2017 Legislative Session; and be it further

**RESOLVED**, that the Village of Woodbury Village Clerk is hereby directed to provide a copy of this resolution to Senator William Larkin, Assemblyman James Skoufis, Senate Temporary President and Majority Leader John J. Flanagan, Assembly Speaker Carl E. Heastie and Governor Andrew M. Cuomo.

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

**IV. Public Comment:**

Supervisor Sutz requested members of the Village Board attend the next Town Board meeting so a discussion could be held regarding the proposal to exchange land between the two municipalities that has been worked on for the past several months (Highway Department and Earl's Reservoir). The Town Board asked him to request this attendance.

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

The Board all recognized the efforts of Superintendent Weyant and the Highway Department for the great job they did during the blizzard we had on February 9. Mayor Queenan added that members of the Water/Sewer department assisted the Highway Department during that storm as well.

**VI. Adjournment:**

With no further comments received or business to discuss, a motion was offered by Trustee Crouse, seconded by Trustee Flood, to adjourn the meeting at 7:30PM.

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

Desiree Potvin, Village Clerk