

Minutes of the Village Board Meeting held at Town Hall on June 12, 2017 at 7PM

Present: Michael Queenan, Mayor
Neil Crouse, Timothy Egan, Thomas Flood and Anthony Mickolajczyk, Trustees
Absent: None
Also Present: Robert Weyant, Village Streets Superintendent; Jessica McClennan, Deputy Village Clerk

I. Administrative Business:

a. FY2017/2018 Reorganization:

a. Consultants for the Village:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to appoint the following consultants for the FY2017/2018:

Engineers for the Village:	H2M Architects + Engineering Fusco Engineering
Attorney for the Village:	Feerick Lynch MacCartney & Nugent Burke, Miele, Golden, Naughton Kornfeld Rew Newman & Simeone
Planner for the Village:	Nelson Pope & Voorhis
Attorney for the ZBA:	Lisa Felicissimo

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

Authorize Engineer to File:

Motion was offered by Trustee Egan, seconded by Trustee Crouse, to authorize H2M Architects + Engineering and Fusco Engineering, as the Engineers for the Village, to file application to all regulatory agencies, as required, on behalf of the Village of Woodbury in FY2017/18 for those projects authorized by the Village Board.

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

b. Deputy Mayor:

Mayor Queenan stated he appoints Timothy Egan as Deputy Mayor.

c. Membership in State Association:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Crouse, to authorize the Village Clerk to enroll the Village as members with the New York State Conference of Mayors (NYCOM); the Orange County Association of Towns, Villages and Cities; the Orange County Municipal Planning Federation; and the Woodbury Chamber of Commerce.

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

d. Designation of Official Newspaper:

Motion was offered by Trustee Flood, seconded by Trustee Crouse, to designate the Times Herald Record as the official newspaper for the Village.

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

e. Investment Policy/Designation of Depository/Audited of Abstract Vouchers:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Crouse, to adopt the Investment Policy of the Village as follows:

“The objectives of the Investment Policy of the Village of Woodbury are to minimize risk, to insure that investments mature when cash is required, and to insure a competitive rate of return. In accordance with this policy, the Mayor is authorized to invest Village funds which are in excess of current operating needs. Village investments are governed by applicable New York State Laws.

That the Mayor make the following types of investments, for the present, until other types of investments are submitted to the Village Board:

- a. Direct purchase of guaranteed obligations of the United States Government or obligations of the State of New York and its political subdivisions.
- b. Direct purchase of Certificates of Deposit from the designated depositories of the Village. Such Certificates of Deposit are to be collateralized by obligations enumerated in item “a” above.
- c. Direct purchase through Repurchase Agreements of guaranteed obligations of the United States Government. Such Repurchase Agreements should be executed either through the designated depositories of the Village or those brokerage firms which are primary United States Government dealers which report to the Federal Reserve Bank of New York.
- d. Time Deposit Accounts are designated depositories of the Village. Such accounts are to be collateralized by the Federal Deposit Insurance Corporation or by obligations enumerated in item “a” above.

The Mayor shall deposit all monies received and said monies shall be released together with the related sureties from any liabilities for loss of such monies by reason of the default or insolvency of any such depository.

The following bank is to be designated as the official bank for the Village:

Sterling National Bank, Monroe
Orange Bank & Trust, Vails Gate
Lakeland Bank, Highland Mills

The Mayor shall be authorized to invest funds of the Village in this bank during the 2017/18 Fiscal Year under the following guidelines:

- a. All accounts shall be collateralized at 105% and said collateralization shall be held by a third party bank.
- b. Collateralization shall be in accordance with the Comptroller's guidelines.
- c. All designated banks will be contacted for competitive rates on an ongoing basis.”

The Mayor shall be authorized to deposit any Village monies in this bank during the 2017/18 fiscal year.

Prior to all invoices being paid, they must be attached to vouchers which must be signed by at least two members of the Board. An “abstract of audited vouchers” will be prepared by the Village Treasurer for action by the Board. After the Board votes to approve payment, a record of the check issued for payment must be attached to the voucher indicating who the check was written too, the date payment was made and the amount of the payment.

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

f. Mileage Reimbursement/Food Stipend:

Motion was offered by Trustee Flood, seconded by Trustee Mickolajczyk, to reimburse members of the Village Government and its employees, when on official business or duty for the Village, the rate established annually by the Internal Revenue Services for the use of their personal vehicle (includes gas

and wear/tear). Vouchers are to be completed and filed with the Village Treasurer before reimbursement is made.

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

Motion was then offered by Trustee Flood, seconded by Trustee Mickolajczyk, to reimburse employees not more than \$50 per day for food purchased while attending a Board approved conference/ meeting that is held for an entire day and is for Village related issues, if not included in the registration cost. Alcohol will not be reimbursed. Complete receipts must be submitted with voucher.

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

g. Board Liaisons/Appointed Positions:

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

Liaison to Town Board	Mayor Queenan, Trustee Egan
Liaison to Planning Board	Trustee Egan and Flood
Liaison to Zoning Board	Trustee Crouse, Mickolajczyk
Liaison to Fire Department	Trustee Egan, Mickolajczyk
Liaison to Water/Sewer Department	Mayor Queenan, Trustee Mickolajczyk
Liaison to Building Department	Mayor Queenan, Trustee Crouse
Liaison to Highway Department	Trustees Flood, Mickolajczyk
Employee Liaison	Mayor Queenan, Trustee Flood
Insurance Liaisons	Trustees Flood and Crouse
Grant Writing/Research	Trustees Crouse and Egan

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

Motion was then offered by Trustee Crouse, seconded by Trustee Mickolajczyk, to appoint the following individuals to the following positions:

Appeals Officer for FOIL's	Michael Queenan
Village Clerk/Treasurer	Desiree Potvin
Procurement Officer	Michael Queenan
Zoning Board	Kevin Abrams (<i>term expires 5/31/2022</i>)
	Gary Kestenbaum (<i>term expires 5/31/2020</i>)
Planning Board	Robert Anzalone (<i>term expires 5/31/2022</i>)

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

h. Appointment of Chairperson:

Motion was offered by Trustee Flood, seconded by Trustee Mickolajczyk, to designate the following individuals as Chairperson for the following Boards:

Maria Hunter	Planning Board
Karen Ungerer	Zoning Board

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

i. Meeting Dates and Meeting/Public Comment Procedures:

Motion was offered by Trustee Crouse, 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 Crouse, seconded by Trustee Flood, to adopt the following procedure 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

j. Procurement Policy:

Motion was offered by Trustee Flood, seconded by Trustee Crouse, 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:

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| Building Department | Gary Thomasberger, Maria Rubio, Marian Tivaldo,
John Hand |
| Fire Department | John Jones, Pasquale Prozzillo, Christopher Burke,
Dan Ward, Edward Hoffman |

Water/Sewer Department
Mayor/Trustees
Clerk/Treasurer

Michael Phillips, Jason Braghirol, Jean Mundy
Michael Queenan, Desiree Potvin, Jessica McClennan
Desiree Potvin, Jessica McClennan, Carol Herb

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

k. Fee Schedule:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Flood, to adopt the 2017/2018 fee schedule as follows:

Zoning Board of Appeals:

Special Permit	\$200
Residential Area Variance	\$250
Residential Use Variance	\$300
Commercial Area Variance	\$500
Commercial Use Variance	\$750
ZBA Interpretation of Code	
Residential	\$250
Commercial	\$500
Review of Ruling by Code Enforcement Officer	\$250

In addition to the fees listed above all residential subdivisions consisting of three or more lots and all commercial applications require the posting of an escrow in the amount of \$2,500.00 prior to an appearance before the Zoning Board to cover the cost of all consulting fees for the application. If the escrow account falls below \$1,000.00 additional funds must be posted to continue the application process. Applicant is responsible for final payment of all consultant fees prior to final decision rendered by the Zoning Board of Appeals. Please contact the Building Department for more information.

Planning Board:

Special Permit, new and renewal	\$75
Site Plan	\$75
Subdivision	\$75

Board of Trustees:

Special Permit	\$75
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In addition, pursuant to Chapter 65 of the Village Code entitled "Taxpayer Protection" Act, escrow accounts will be required to be posted to cover all consultant costs incurred for an application. Please contact the Village Clerk for more information.

Subdivisions, minor and major, excluding planned unit development:

Minor	\$100
Major	

Sketch Plan Approval	\$25 per lot
Preliminary Approval	\$50 per lot
Final Approval	\$25 per lot

This sum shall be refunded by the Village if the Planning Board determines that such amount is not required.

Site Plan Approval:

Existing structures or additions to existing structures	\$100
New development, business or industrial structures	\$500
Mobile home court	\$75

per mobile home, per application and/or renewal of special permit

Site plan and subdivision inspection escrow fee:

not less than 4% nor greater than 6% of the amount of the value of construction, which amount is to be estimated by the Village Engineer, to help defray costs of observing the work to provide better assurance to the Village that it is in accordance with approved plans for the construction of roads, water systems, sewer systems and other utilities in the development

Building Department:

Floodplain letter	\$20 per letter
Building Permit (based on total cost of construction including labor)	
Residential	\$10 per thousand
Commercial	\$12 per thousand
Certificate of occupancy or copies	\$25
Amendment to building permit	\$50
Extension of building permit	\$10 per month (three month minimum)
Fire permit	\$100
Blasting permit	\$100
Bungalow permit	\$10 per unit
Floodplain development permit	\$500
Fireworks permit:	\$250
Municipal search	\$100

Highway Department:

Road Opening Permit	\$250
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Water/Sewer Department:

Water Meter	\$300
Water Inspection	
Single Family Residence	\$300
Construction Uses	\$400
	<i>(not within shopping mall or business park)</i>
Sewer Inspection	
Single Family Residence	\$300
Construction Uses	\$400
	<i>(not within shopping mall or business park)</i>

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

NOES 0

b. Acceptance of Minutes:

Motion was offered by Trustee Flood, seconded by Trustee Egan, to accept the minutes of the May 23, 2017 meeting.

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

c. Approval of Abstract:

Motion was offered by Trustee Crouse, seconded by Trustee Egan, to approve Abstract 1 containing vouchers 170001 - 170080 and totaling \$240,580.45.

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

d. Fire Department Equipment Request:

This issue was tabled until the next meeting.

e. Use of Building Request:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Egan, to approve the request to use the meeting room by the Woodbury Police Department on June 20, 2017, 5PM-8PM for their annual award ceremony.

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

f. Appointment of Full-Time MEO:

Motion was offered by Trustee Crouse, seconded by Trustee Egan, to approve the appointment of Dennis Kippel to the position of full-time Motor Equipment Operator beginning June 19, 2017 at an hourly rate of \$24.55 pursuant to the Laborers Local contract.

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

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

III. New Business:

a. Waiver of Fire Department Fee for Fireworks Display:

Motion was offered by Trustee Egan, seconded by Trustee Crouse, to waive the permit fee for the Highland Mills Fire Company Annual Fireworks Display scheduled for July 1, 2017.

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

b. Resolutions - Grant Application by Engineer:

Motion was offered by Trustee Flood, seconded by Trustee Egan, to adopt the following resolution to approve submission of a grant application and execute a grant contract with the Environmental Facilities Corporation for grant funding through the Water Infrastructure Improvement Act (WIIA) for the Village of Woodbury's Weygant Hill Storage Tank Replacement project:

RESOLVED that the Village of Woodbury Village Board formally approves the grant application for the above stated project; and be it

FURTHER RESOLVED that the Village of Woodbury Board of Trustees does hereby classifies this as a Type II action under SEQRA; and it be

FURTHER RESOLVED that the Board, the Clerk, and the Engineer are hereby authorized to submit an electronic grant application and supporting materials to the Environmental Facilities Corporation on behalf of the Village of Woodbury; and be it

FURTHER RESOLVED that Mayor Michael Queenan, and the Clerk are hereby authorized to sign the grant agreement on behalf of the Village of Woodbury and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Motion was then offered by Trustee Mickolajczyk, seconded by Trustee Crouse, to adopt the following resolution to approve submission of a grant application and execute a grant contract with the Environmental Facilities Corporation for grant funding through the Water Infrastructure Improvement Act (WIIA) for the Village of Woodbury's Pleasant Drive Watermain Replacement project:

RESOLVED that the Village of Woodbury Village Board formally approves the grant application for the above stated project; and be it

FURTHER RESOLVED that the Village of Woodbury Board of Trustees does hereby classifies this as a Type II action under SEQRA; and it be

FURTHER RESOLVED that the Board, the Clerk, and the Engineer are hereby authorized to submit an electronic grant application and supporting materials to the Environmental Facilities Corporation on behalf of the Village of Woodbury; and be it

FURTHER RESOLVED that Mayor Michael Queenan, and the Clerk are hereby authorized to sign the grant agreement on behalf of the Village of Woodbury and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

IV. Public Comment:

Matt Higgins provided history of the fill project on Evans Drive and the issues that have been occurring at this site for the past two years. He does not believe the requirements that were imposed when the importing of fill was granted are being followed. He wants a stop work order issued as he is concerned about the drinking water from the aquifer. He is also concerned that the new owners of the gravel pit may wish to have fill brought in to fill the large hole they have on their property even though it is supposed to become a lake. He wants the Village to have the water tested. Mayor Queenan stated the results from the test the DEC did have not been received yet and he cannot comment on it issue until the report is received. He was on site when the DEC was present recently and the FBI has not shared anything with the Village regarding their investigation. He stressed the Village will get to the bottom of it once the report is received and at this point the goal is for the project to be finished. Trustee Egan asked Mr. Higgins what he feels a "win" is. Mr. Higgins replied that he wants to see the work stopped and no solar farm permitted there. Trustee Egan noted if a stop work order is issued then the lot will remain in its current state. Trustee Flood asked if Mr. Higgins concern about the ground water is due to experiences he is having with his own well. Mr. Higgins stated he does not have a well but knows others that do. Mayor Queenan stated if the test comes back showing contamination and not deemed suitable to be in the hole then the DEC and the Village will demand it be removed. He also believes there is a temporary hold on dumping until the report is received. Trustee Mickolajczyk asked Mr. Higgins why he feels a solar farm is being put on this lot since no application exists and Mr. Higgins

stated the property owners have stated that was their intention. He then asked Mayor Queenan to speak with Building Department about the fill that was dumped there and Mayor Queenan stated he would.

V. Board Member/Department Comment:

Trustee Mickolajczyk thanked Vic Ferrarelli for his years of service on the Zoning Board and congratulated Karen Ungerer on becoming appointed the new Chairperson of that Board.

VI. Adjournment:

With no further business to discuss or comments received, a motion was offered by Trustee Mickolajczyk, seconded by Trustee Flood, to adjourn the meeting at 7:25PM.

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

Desiree Potvin, Village Clerk