

Minutes of the Village Board Meeting held at Town Hall on July 13, 2017 at 7PM

Present: Michael Queenan, Mayor
Neil Crouse, Timothy Egan, Thomas Flood and Anthony Mickolajczyk, Trustees
Absent: None
Also Present: Michael Phillips, Water/Wastewater Administrator; Sandra Capriglione, Planning Board;
Jessica McClennan, Deputy Village Clerk

I. Public Hearings:

a. Introductory Local Law 4 – Wireless Communications Procedures:

A public hearing was held to entertain public comments on Introductory Local Law 4 of 2017 which will amend Chapter 310 of the Village Code amending the recertification provisions for wireless telecommunication facilities. The public notice was printed in the Times Herald Record on July 5, 2017 and the following comments were received:

Mayor Queenan noted the GML239 review from the County was received on July 11, 2017 and they have found no evidence that significant inter-municipal or countywide impacts would result from the adoption of this local law.

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

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

Motion was then offered by Trustee Crouse, seconded by Trustee Egan, to adopt the following resolution adopting Local Law #3 of 2017 amending Chapter 310 of the Village Code amending the recertification provisions for wireless telecommunication facilities:

WHEREAS, on June 22, 2017, the Village of Woodbury Board of Trustees designated itself as Lead Agency with respect to the SEQRA review of the foregoing proposed local law, preliminarily classified the proposed action as an Unlisted action under SEQRA, and scheduled a SEQRA public hearing with respect to the action; and

WHEREAS, notice of said public hearing was duly advertised in the Times Herald-Record, the official newspaper of said Village, on July 5, 2017 according to law; and

WHEREAS, said public hearing was duly held on July 13, 2017, at 7PM at the Town of Woodbury Town Hall, located at 511 Route 32, Highland Mills, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Board of Trustees has reviewed the proposed local law, the short environmental assessment form prepared in connection therewith, and considered the public comment provided at the aforesaid public hearings, and after due deliberation thereon,

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE VILLAGE OF WOODBURY BOARD OF TRUSTEES THAT:

- 1) the proposed local law constitutes an Unlisted action pursuant to SEQRA; and
- 2) the proposed local law has no significant adverse environmental impacts and the Board of Trustees hereby issues a negative declaration thereon; and
- 3) the adoption of the proposed local law is in the best interests of the residents of the Village, and the Board of Trustees hereby adopts said Local Law 3 of 2017; and
- 4) the Village Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Woodbury, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Queenan	YES
Trustee Crouse	YES
Trustee Egan	YES
Trustee Flood	YES
Trustee Mickolajczyk	YES

b. Introductory Local Law 5 – Zone Change Request - Genco:

A public hearing was held to entertain public comments on Introductory Local Law 5 of 2017 which will amend the Zoning Map of the Village of Woodbury to change the zoning designation for property located along Falkirk Avenue (Section 231, Block 3, Lot 6.2) from IB (Industrial Business) to HM (Hamlet Business). The public notice was printed in the Times Herald Record on July 1, 2017 and the following comments were received:

Mayor Queenan noted the GML239 review from the County was received on July 11, 2017 and they have found no evidence that significant inter-municipal or countywide impacts would result from the adoption of this local law.

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

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

Motion was then offered by Trustee Mickolajczyk, seconded by Trustee Flood, to adopt the following resolution adopting Local Law #4 of 2017 amending the Zoning Map of the Village of Woodbury:

WHEREAS, on June 22, 2017, the Village of Woodbury Board of Trustees designated itself as Lead Agency with respect to the SEQRA review of the foregoing proposed local law, preliminarily classified the proposed action as an Unlisted action under SEQRA, and scheduled a SEQRA public hearing with respect to the action; and

WHEREAS, notice of said public hearing was duly advertised in the Times Herald-Record, the official newspaper of said Village, on July 1, 2017 according to law; and

WHEREAS, said public hearing was duly held on July 13, 2017, at 7PM at the Town of Woodbury Town Hall, located at 511 Route 32, Highland Mills, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Board of Trustees has reviewed the proposed local law, the short environmental assessment form prepared in connection therewith, and considered the public comment provided at the aforesaid public hearings, and after due deliberation thereon,

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE VILLAGE OF WOODBURY BOARD OF TRUSTEES THAT:

- 1) the proposed local law constitutes an Unlisted action pursuant to SEQRA; and
- 2) the proposed local law has no significant adverse environmental impacts and the Board of Trustees hereby issues a negative declaration thereon; and
- 3) the adoption of the proposed local law is in the best interests of the residents of the Village, and the Board of Trustees hereby adopts said Local Law 4 of 2017; and
- 4) the Village Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Woodbury, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Queenan	YES
Trustee Crouse	YES
Trustee Egan	YES
Trustee Flood	YES
Trustee Mickolajczyk	YES

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Egan, to accept the minutes of the meeting held June 22, 2017.

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

b. Approval of Abstract:

Motion was offered by Trustee Crouse, seconded by Trustee Egan, to approve Abstract 3 containing vouchers 170184 - 170278 and totaling \$692,315.87.

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

c. Use of Building Request:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Flood, to approve the request to use the meeting room 6PM-9PM on August 3, 8 and 9, 2017 by the Woodbury Police Department for them to host a self-defense program for women.

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

Motion was then offered by Trustee Egan, seconded by Trustee Crouse, to approve the request to use the meeting room 11AM-4PM on August 13, 2017 by Helen Bopp for a birthday party.

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

d. Acceptance of Resignation:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Crouse, to accept, with regrets, the letter of resignation received from Douglas LaBar from the position of Highway Mechanic effective July 14, 2017.

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

The Board recognized Doug for his 27 years of service and dedication to the residents of Woodbury.

e. Fire Department Application for Membership:

Motion was offered by Trustee Egan, seconded by Trustee Mickolajczyk, to approve the application for membership to the Highland Mills Fire Company received from Devin Smith as a junior member pending physical.

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

f. Fire Department Equipment Request:

Motion was offered by Trustee Egan, seconded by Trustee Mickolajczyk, to approve Fire Department Equipment Request 2017-12 totaling approximately \$3093.50 for the purchase of prescription eyewear lens for SCBA face pieces and accountability tags/cards for members.

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

g. Appointment of Seasonal Worker – Water/Sewer Department:

Motion was offered by Trustee Egan, seconded by Trustee Crouse, to approve the appointment of Nicholas Gambuti to the position of seasonal worker in the Water/Sewer Department July 17 through December 1, 2017.

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

III. Old Business:

a. Resolution – Grant Submission – Weygant Hill Storage Tank Replacement:

Motion was offered by Trustee Crouse, seconded by Trustee Egan, to adopt the following resolution to approve the submission of a grant application and execution of a grant contract for Empire State Development grant funding via the Consolidated Funding Application for the Village of Woodbury’s Weygant Hill Storage Tank Replacement project:

BE IT 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 classify this as a Type II action under SEQRA, and be it

FURTHER RESOLVED that the Board, the Clerk and Engineer are hereby authorized to submit an electronic grant application and supporting materials via the Consolidated Funding Application 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

b. Resolution – Grant Submission – Pleasant Drive Watermain Replacement:

Motion was offered by Trustee Mickolajczyk, seconded by Trustee Flood, to adopt the following resolution to approve the submission of a grant application and execution of a grant contract for Empire State Development grant funding via the Consolidated Funding Application for the Village of Woodbury’s Pleasant Drive Watermain Replacement project.

BE IT 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 classify this as a Type II action under SEQRA; and be it

FURTHER RESOLVED that the Board, the Clerk, and Engineer are hereby authorized to submit an electronic grant application and supporting materials via the Consolidated Funding Application 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. New Business:

a. O&R Gas Franchise Proposal:

Representative from Orange & Rockland put forth a proposal regarding the possibility of their company obtaining rights for a natural gas franchise in the Village. They have identified potential customers/properties in a corridor on the south side of the Village that would benefit from the availability of natural gas service. John Carley, Assistant General Counsel for ConEdison, stated O&R is requesting a nonexclusive natural gas franchise for portions of the Village. They would like to be able to provide natural gas to residents in close proximity to their existing facilities. Vincent Galligan, Manager of O&R's natural gas programs, stated this would be a non-competitive franchise with Central Hudson since they do not have lines in this area. There are approximately 200 customers neighboring their facilities that could benefit from this service. Maps were provided highlighting the areas to be considered but no narrative was provided with details for the request. Most of the area to be covered is residential but there is a small piece that is commercial (Larkin Lane). Mayor Queenan asked if this proposal would encroach on Central Hudson territory. Mr. Carley stated he does not believe it would be economical for Central Hudson to run additional service lines to this area. Trustee Flood stated he is trying to understand the motivation for this request and asked who would pay for the expense. Mr. Carley stated anyone who has service from them would pay the same rates as other customers and there would be no separate charge that would be associated with this buildout. Trustee Egan asked if Central Hudson was contacted to see if they would be interested in expanding their infrastructure and Mr. Carley stated it was his understanding they were not. Trustee Mickolajczyk asked what the costs to a resident would be in this area that may be interested in getting natural gas from O&R. Mr. Galligan stated the first 200' of line from the main to the property has no charge. Anything longer than the customer would be responsible for but they do offer a payment plan for up to fifteen years. Trustee Crouse asked for a list of streets this proposal would include and he was told Serpi Road, Milval Lane, a portion of Seven Springs Road, parts of Amdur Park, a portion of Bakertown Road, some private roads off of Bakertown Road and a portion of Larkin Drive. Trustee Flood asked if the neighboring municipalities (Monroe and Kiryas Joel) have natural gas supplied by O&R and Mr. Carley stated they do. Trustee Flood noted he is suspicious this request has something to do with an expansion of the Village of Kiryas Joel. Trustee Crouse stated he would like to see more information and Mr. Carley stated he will send a full narrative via email within the next few days. Mayor Queenan noted Attorney Lynch has recommended the Board keep the matter open at this time as he continues to review and negotiate with Orange & Rockland.

b. Authorize Mayor to Sign – Third Party Custody Agreement Lakeland Bank:

Motion was offered by Trustee Egan, seconded by Trustee Crouse, to authorize the Mayor to sign a Third Party Custody Agreement with M&T Bank with Lakeland Bank.

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

c. Approve Stop Sign – Ford Avenue/Lakeside Drive Intersection:

Motion was offered by Trustee Crouse, seconded by Trustee Egan, to approve the erection and enforcement of a "Stop" sign and bar at the intersection of Ford Avenue with Lakeside Drive as the requested of Village Street Superintendent Weyant.

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

d. Advertise for Bids – Purchase of Two Water/Sewer Vehicles:

Motion was offered by Trustee Egan, seconded by Trustee Mickolajczyk, to authorize the Village Clerk to advertise for bids for the purchase of two trucks for the Water/Sewer Department.

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

V. Public Comment: *There were no public comments received.*

VI. Board Member/Department Comment:

Trustee Mickolajczyk noted a tragic plane crash happened recently and several marines from our area perished. Woodbury Senior Director Rick Walls is organizing a collection to be held tomorrow at the Senior Center.

730PM- Executive Session:

Motion was offered by Trustee Egan, seconded by Trustee Mickolajczyk, to enter into an executive session pursuant to Section 105(1)(f) to discuss the medical history of a particular person and the employment history of a particular person.

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

VII. Adjournment:

With no further business to discuss, a motion was offered by Trustee Egan, seconded by Trustee Flood, to end the executive session and adjourn the meeting at 8:45PM.

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

Desiree Potvin, Village Clerk

LOCAL LAW 3 OF 2017

A LOCAL LAW AMENDING CHAPTER 310 ("ZONING") OF THE CODE OF THE VILLAGE OF WOODBURY AMENDING THE RECERTIFICATION PROVISIONS FOR WIRELESS TELECOMMUNICATIONS FACILITIES

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

SECTION 1. PURPOSE.

The Board of Trustees of the Village of Woodbury finds that it is reasonable and appropriate to update and amend Chapter 310 ("Zoning") of the Village of Woodbury Code with respect to the recertification of wireless telecommunications facilities. This local law is determined to be an exercise of the police powers of the Village, and will require all recertification applications to be submitted on the same date to the Planning Board for review.

SECTION 2. CHAPTER 310 ("ZONING").

The introductory paragraph of Section 310-38(P)(1) is hereby amended to read as follows:

Every special permit for a wireless telecommunications facility shall be recertified at least every five years, commencing with a recertification date of June 1, 2018, and reoccurring certifications required on every June 1st fifth year anniversary thereafter. A signed written request to the Board for recertification shall be made at any time between 12 months and six months prior to the expiration of the recertification. Any permit holders whose recertification is due prior to June 1, 2018 may extend the time to recertify until June 1, 2018, unless advised by the Building Department otherwise because of safety issues. Any permit holder whose prior 5-year certification/recertification occurred less than five years prior to June 1, 2018, must nonetheless be recertified on June 1, 2018. For any wireless telecommunications facility whose initial certification occurs less than one year prior to a June 1st recertification date, the Board may, upon request by the permit holder, and recommendation of the Village Engineer and Building Inspector, allow the recertification to occur on the next following recertification date. In the written request for recertification, the holder of such special permit shall note the following:

Section 310-38(P)(3) is hereby amended to repeal "prior to the five-year anniversary date of the special permit" and replace it with "prior to June 1, 2018".

SECTION 3. SUPERSEDING PROVISION.

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 4. SEVERABILITY

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, and the remaining provisions shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.

LOCAL LAW 4 OF 2017

A LOCAL LAW AMENDING THE ZONING MAP OF THE VILLAGE OF WOODBURY

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

SECTION 1. PURPOSE

It is the purpose of this local law is to change the zoning designation for property located along Falkirk Avenue (Section 231, Block 3, Lot 6.1) in the Village of Woodbury from IB (Industrial Business) to HB (Hamlet Business), and to have the Village's Zoning Map reflect such change.

SECTION 2. ZONING MAP AMENDMENT

The Zoning Map of the Village of Woodbury is hereby amended to place that portion of Section 231, Block 3, Lot 6.1 that currently designated as IB (Industrial Business) on the Zoning Map, in the HB (Hamlet Business) zoning district.

SECTION 3. SUPERSEDING PROVISION

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws, including, but not limited to, Article 7 of the New York State Village Law, including, but not limited to, Village Law §§ 7-706 and 7-708, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 4. SEVERABILITY

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, and the remaining provisions shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.