

Minutes of the Village Board Meeting held at Village Hall on January 10, 2019 at 7PM

Present: Michael Queenan, Mayor
Timothy Egan, Thomas Flood, Andrew Giacomazza, Jesus Gomez, Trustees
Absent: None
Also Present: Robert Weyant, Village Streets Superintendent; Michael Phillips, Water/Wastewater Administrator; Jessica McClennan, Deputy Village Clerk; Sandra Capriglione and Maria Hunter, Village Planning Board; Robert Hunter, Town Council; John Smith, Town Parks Commission

Oath of Office – Trustee Andrew Giacomazza and Trustee Jesus Gomez

The Oath of Office was administered to Trustees Giacomazza and Gomez by Clerk Potvin.

I. Mid-Year Reorganization Meeting:

a. Deputy Mayor:

Mayor Queenan stated he appoints Timothy Egan as Deputy Mayor.

b. Board Liaisons/Appointed Positions:

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

Liaison to Town Board	Mayor Queenan, Trustee Egan
Liaison to Planning Board	Trustees Flood, Gomez
Liaison to Zoning Board	Trustees Egan, Giacomazza
Liaison to Fire Department	Trustees Egan, Flood
Liaison to Water/Sewer Department	Mayor Queenan, Trustee Giacomazza
Liaison to Building Department	Mayor Queenan, Trustee Gomez
Liaison to Highway Department	Trustees Flood, Gomez
Employee Liaisons	Mayor Queenan, Trustee Giacomazza
Insurance Liaisons	Trustees Giacomazza, Gomez

Trustee Egan asked that he be appointed liaison to the Planning Board since he has served as such for many years. Mayor Queenan stated at this time he does not want to change his appoints as he feels having two former ZBA members being liaisons to that Board will help to provide them with guidance.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

Motion was then offered by Trustee Flood, seconded by Trustee Egan, 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, Egan, Flood, Giacomazza, Gomez
NOES 0

c. Meeting Dates and Meeting/Public Comment Procedures:

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, 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, Egan, Flood, Giacomazza, Gomez
 NOES 0

Motion was then offered by Trustee Giacomazza, seconded by Trustee Gomez, 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
 NOES

d. Procurement Policy:

Motion was offered by Trustee Egan, seconded by Trustee Flood, 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 Tipaldo,
Fire Department	Scott McClennan, Pasquale Prozzillo, Christopher Burke
Water/Sewer Department	Michael Phillips, Jason Braghirol, Jean Mundy
Mayor/Trustees	Michael Queenan, Desiree Potvin, Jessica McClennan
Clerk/Treasurer	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.

<u>Guideline 3.</u> 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, Egan, Flood, Giacomazza, Gomez
NOES 0

Official Undertaking:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to approve the below form (in italics) of the official undertaking of municipal officers of the Village, pursuant to Section 11 of Public Officers Law, and the manner of execution and the sufficiency of the Village's insurance company surety. This undertaking will be administered to all elected officials upon the start of their elected term that handle funds on behalf of the Village of Woodbury:

VILLAGE OF WOODBURY, ORANGE COUNTY, NEW YORK

OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS

WHEREAS, _____, of the Village of Woodbury, County of Orange, New York, has been elected to the office of _____ in the Village of Woodbury; and

NOW THEREFORE, he/she as respective officer above, do hereby undertake with the Village of Woodbury that he/she will faithfully perform and discharge the duties of the office, and will promptly account for and pay over all moneys or property received as a Village Officer, in accordance with the law; and

The Village does and shall maintain insurance coverage (presently with Travelers Casualty & Surety Company of America) in the sum of \$300,000 per loss (plus an additional \$500,000 for the Tax Collector Deputy Tax Collector, \$500,000 for the Village Clerk-Treasurer/Deputy Clerk-Treasurer) to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to accept receipt of the minutes of the meeting held December 13, 2018.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
NOES 0

Motion was then offered by Trustee Flood, seconded by Trustee Egan, to accept receipt to the minutes of the meeting held December 27, 2018.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
 NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to approve Abstract 15 containing vouchers 181363 – 181424 and totaling \$283,602.58.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
 NOES 0

c. Fire Department Equipment Request:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to approve Fire Department Equipment Request 2019-01 totaling approximately \$543.64 for the purchase of four gas monitors.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
 NOES 0

d. Schedule Interviews – ZBA Vacancy:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to schedule a special meeting to be held on January 22, 2019 at 7PM to conduct interviews for the vacancy on the Zoning Board of Appeals.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
 NOES 0

III. Old Business:

a. Authorize Mayor to Sign – Consent Order – Tarpon Towers:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to authorize the Mayor to sign a “Consent to Assignment and Sublease, and Estoppel Certificate” with Orange County-Poughkeepsie Limited Partnership, dba Verizon Wireless (successor in interest to APC Towers, LLC)”. This is in relation to the cellular tower being erected on Village property in Amdur Park.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
 NOES 0

b. Acceptance of Bids – Flood Barrier Project:

At the request of the Village Engineer this item has been tabled at this time.

c. Acceptance of Bids – Hydrant Replacement:

A bid opening was held on December 19, 2018 and the notice was printed in the Times Herald Record on December 3, 2018. The following bids were:

TAM Enterprises, Goshen	\$51,200
Jorrey Excavating, Middletown	\$92,000
Malum Enterprises, Monroe	\$125,000
Boyce Excavating, Slate Hill	\$156,920

Correspondence from Engineer Lindsay stated he believes competitive bids were received and that they recommend the project be awarded to the low bidder. Motion was then offered by Trustee Egan, seconded by Trustee Giacomazza, to award the bid to TAM Enterprises in the amount of \$51,200 for the project known as “Hydrant Replacement”.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
 NOES 0

IV. New Business:

EXTRA ITEM – Assignment of Counsel:

Mayor Queenan noted Dennis Lynch has separated from Feerick Lynch MacCartney and Nugent and is now with the law firm Blanchard & Wilson LLP. Since Attorney Lynch is the attorney on record for several issues that are still ongoing, he would like to continue to use him for those remaining items. Therefore, a motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to adopt the following resolution regarding legal services:

WHEREAS, the Village Board (“Board”), current utilizes the legal services of the law firm of Feerick Nugent MacCartney, PLLC (formerly Feerick Lynch MacCartney & Nugent PLLC) with primary address of 96 South Broadway, Nyack New York (“Feerick Firm”); and

WHEREAS, Attorney Dennis Lynch is no longer an Attorney in the Feerick Firm and is currently Of Counsel to the law firm of Blanchard & Wilson LLP with a primary address of 235 Main Street, Suite 330, White Plains, New York (“Blanchard Firm”); and

WHEREAS, for the purposes of continuity, the Board desires to have Attorney Lynch continue handling pending Village legal matters that were being handled by him as a member of the Feerick Firm “Village” until such legal matters are concluded; and

WHEREAS, the Board desires to continue the services of the Feerick Firm for new Village legal matters on an as needed basis moving forward on the same terms and conditions between the Village and the Feerick Firm; and

NOW, THEREFORE, it is resolved as follows:

- 1) All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full herein.
- 2) The Village Board hereby authorizes the law firm of Blanchard & Wilson LLP (Dennis Lynch Of Counsel) to continue to handle pending legal matters currently being handled by Dennis Lynch until such matters are concluded, including but not limited to, the pending local law concerning utility devices, land use issues concerning the Estate of Niemand and the Justice Court Matter of People v. Hakiryah Affordable Housing so long as Dennis Lynch continues to personally handle such matters and the Village requests Feerick Nugent MacCartney to turn over any relevant documents in these matters to Blanchard & Wilson.
- 3) The Village hereby confirms that it shall continue the services of the law firm of Feerick Nugent MacCartney PLLC, on as needed basis, for any new legal matters as determined by the Village on the same terms and conditions as currently apply to such representation.
- 4) This Resolution shall take place effective immediately.

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
 NOES 0

a. Resolution – Street Lights on Nininger Road:
 Tabled until a future meeting.

b. Resolution – Street Lights on Route 32:
 Tables until a future meeting.

V. Public Comment:

Cliff Ader congratulated the new Village Trustees on being elected. He noted he lives in Country Crossings and is asking for fairness from the Village Board. He has requested that a menorah be placed on Village property during the holiday season and was told it could not be done since it is a religious symbol. However, he is forced to drive under eruv that are placed across Village roads and they are a religious symbol. He does not understand why this is permitted, adding that if he wanted to erect a fence, he would need to obtain a permit. In addition, during some religious holidays his neighbors play music loudly which violates the Village noise ordinance. He is also constantly picking up garbage on his property and road due to the littering by his neighbors, which is also against the law. He feels the Village needs to be fair and enforce all the laws/rules for all members of the community. Trustees Egan and Flood thanked Mr. Ader for his comments, adding the Board will look into the issues raised.

Maria Hunter, speaking as Chairperson of the Town’s Beautification Committee, thanked the Village Highway Department for their assistance installing the streetlight decorations. Trustees Egan and Flood thanked the Beautification Committee for what they do to make our community look nice.

VI. Board Member/Department Comment:

Trustee Giacomazza recognized former Trustees Crouse and Mickolajczyk for their service to the community. He noted he plans to work diligently to make his platform and promises a reality. Trustee Gomez agreed. Both thanked their families and friends for their support. Trustee Gomez added he looks forward to working with the Board to bring Woodbury back to what it was when “we all moved here”.

Trustee Flood welcomed Trustees Giacomazza and Gomez to the Board. He also added it was a joy to work with former Trustees Crouse and Mickolajczyk over the past few years. He looks forward to the new members joining the team and for all to work well together. Trustee Egan also welcomed the new members and thanked all that attended the meeting this evening. Mayor Queenan also welcomed the new Board members, adding the Village Board tries to work together as a team to get things accomplished for the residents of Woodbury. He added the Village has great employees and volunteers.

Mayor Queenan then noted he received a letter from the Town Clerk stating that the Town Board adopted a motion at their January 3 meeting to schedule a meeting with the Village Board to discuss a resolution on the lawsuit that the Town Board brought against the Village. He feels it is hard to believe all members of the Town Board are sincere in seeking a resolution when today he was notified the Town is appealing an adverse decision that was made against them in this case. He feels the Village Board is willing to meet with the Town Board. He then made it clear it is the Town that is suing the Village and that the Town can end this senseless lawsuit, which is waiting taxpayers money, by withdrawing it.

VII. Adjournment:

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

ADOPTED AYES 5 Queenan, Egan, Flood, Giacomazza, Gomez
 NOES 0

Desiree Potvin, Village Clerk