

Minutes of the Village Board Meeting held at Town Hall on July 26, 2011 at 7:30PM

Present: Michael Queenan, Mayor
Neil Crouse, Thomas Flood and David Sutz, Trustees
Absent: Timothy Egan, Trustee
Also Present: Dennis Lindsay, Engineer for the Village; William McClennan, Water/Sewer Superintendent; Maria Hunter, Planning Board; Scott McClennan, Fire Chief; James Skoufis, Town Council

I. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Sutz, seconded by Trustee Crouse, to accept the minutes of the regular meeting held July 12, 2011.

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

b. Approval of Abstract:

Motion was offered by Trustee Sutz, seconded by Trustee Crouse, to approve Abstract 4, Vouchers #110175 - #110247, totaling \$123,446.79.

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

c. Fire Department Applications:

Motion was offered by Trustee Sutz, seconded by Trustee Crouse, to accept applications for membership with the Central Valley Fire Company from James Grimes (pending physical) and Ryan Klinger.

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

EXTRA ITEM – Fire Department Equipment Requisition:

Motion was offered by Trustee Sutz, seconded by Trustee Crouse, to approve Fire Department Equipment Requisition 2011-18 totaling approximately \$2,850.

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

II. Old Business:

There was no old business to discuss.

III. New Business

a. Emergency Declaration – Pine Hill Sewer Line:

Motion was offered by Mayor Queenan, seconded by Trustee Flood, to adopt the following resolution:

WHEREAS, the Village Board has been advised of an emergency situation involving repairs needed for the Pine Hill Road Overpass Sewer Line (the “Sewer Line”) so as to prevent portions of said sewer line falling below on to the public traveling on Interstate 87 which would create a life threatening condition;

WHEREAS, the Village’s Engineering Consultant (the “Engineer”) has determined that the need for repairs to said Sewer Line cannot await the usual public bidding process under New York State Law

("Process") and that by waiting for the Process to be completed the traveling public may become endangered and that with the Village having such notice of a defect there could also be liability as to the Village; and

WHEREAS, the Engineer has advised Special Counsel to the Village of the foregoing and said Special Counsel has opined that an emergency exists under applicable law so as to enable the Village to undertake action for immediate repairs outside of the Process;

NOW THEREFORE, it is determined by the Village Board as follows:

1. All of the "WHEREAS" paragraphs set forth above are hereby incorporated by reference.
2. The Village Mayor is hereby authorized to execute a contract with the Company or Companies recommended by the Engineer to undertake all required immediate repairs regarding the Sewer Line. Those repairs that are not deemed to be of emergency nature by the Engineer shall be bid through the regular Process under New York State Law.
3. This Resolution shall take effect immediately.

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

Engineer Lindsay noted the New York State Thruway Authority will be assisting with the lane closures needed on Interstate 87 since they will be doing work simultaneously.

a. Discussion - Developers Agreement:

Mayor Queenan stated that due to the economic pressures the developer of Woodbury Junction is running into financial problems which create problems for the Village with regards to the Highland Lake Estates sewer plant ("HLESP"). The proposed amendment to the Developer's Agreement ("DA") will permit the developer to obtain not more than 75 building permits/certificate of occupancies. In exchange for this increase, the developer will pay the entire cost to construct a water line down Smith Clove Road and the Village will waive the inspection fees for this specific project (someone from the Water Department will be present during all phases of construction). Construction will begin within 30 days of the execution of the DA and will be completed within 90 days. The developer will also pay for the total cost of a bypass pump station at the HLESP and will complete construction in accordance with the revised Consent Order issued by the DEC. If the work is not completed within this timeline, the developer will pay any and all fines issued by the DEC. Superintendent McClennan noted this water line is essential to increase capacity so that water restrictions can be almost no longer necessary. Motion was then offered by Trustee Flood, seconded by Trustee Sutz, to adopt the following resolution:

WHEREAS, the Village desires to enter into an Memorandum of Understanding ("MOU") with Woodbury Suburban, LLC ("LLC") concerning efforts for economic revitalization in the Village through the construction of homes and other improvements; and

WHEREAS, the Village has obtained from its Consultants recommendations regarding entering into a MOU to provide for the foregoing; and;

WHEREAS, the Consultants have recommended to the Village that the Mayor be authorized to execute an Agreement in substantially the form as annexed hereto and that prior to any such execution the Mayor shall obtain a written opinion of Special Counsel that the Agreement is in all respects proper, legal and substantially in the form on file in the Village Clerk's Office.

NOW THEREFORE, it is resolved by the Village Board of Trustees as follows:

1. All of the "WHEREAS" clauses are incorporated by reference as thought set forth in full herein.

2. The Mayor of the Village is hereby authorized to execute an Agreement in a form as substantially annexed hereto and after written confirmation of Special Counsel concerning the same.
3. This Resolution shall take effect immediately.

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

EXTRA ITEM – Liquor License Renewal Notice:

Clerk Potvin stated that she received notification on July 25, 2011 from Gasho of Japan of their intent to renew their liquor license. Correspondence was received this evening from the Police Department stating they have no objection to the application. Correspondence will be sent to the NYS Liquor Authority stating there is no objection by the Village of Woodbury on this application.

IV. Board Member/Department Comment:

No comments were made.

V. Public Comment:

Robin Crouse noted that the improvements discussed this evening in connection with the DA were always supposed to be at no cost to the taxpayers, pursuant to the Planning Board resolution. Mayor Queenan agreed but the cost was to be shared between two developers (Woodbury Junction and Legacy Ridge). Now the developer of Woodbury Junction will bear the entire cost. At Mrs. Crouse’s request, the timeline for the construction of the two items (water line and sewer pump station) were explained again.

John Smith asked where the wells are located that will be taken over by the Village after the water line is constructed and he was informed there is one on the south side of Palaia Vineyard and others on the east side of Route 32 by Trout Brook Road. Mr. Smith then asked for an update on the water restriction. Mayor Queenan noted the work to the broken motor was done quicker than anticipated but the water levels did fall dramatically during the down time. The concern at this time is to be sure that the water pressure is there for firematic purposes. Superintendent McClennan noted that the levels are almost where they should be but if the restriction was lifted, 40% of the capacity would drop due to outdoor watering. Mr. Smith then asked if the Board members had any comments on the proposed “Initiative Law” by the Town Board. Mayor Queenan stated he reads the minutes of the Town Board meetings but he does not know enough about the proposed law to comment on it.

James Skoufis asked if there would be any road closures experienced with the work to the Pine Hill Road sewer line and Mayor Queenan stated there should not be.

VI. Adjournment:

With no further comments received or business to discuss, a motion was offered by Trustee Sutz, seconded by Trustee Crouse, to adjourn the meeting at 8:10PM.

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

Desiree Potvin, Village Clerk