

Minutes of the Town Board Meeting held at Town Hall on March 17, 2016 at 7:30PM

Present: David Sutz, Supervisor
Timothy Arone, Michael Essig, Robert Hunter and Frank Palermo, Councilmen
Absent: None
Also Present: Joseph McKay, Attorney for the Town; Carol Herb, Tax Collector; Arthur Abbott, Police Lieutenant; Tracy Maggio, Clerk to the Supervisor; John Smith, Parks Commissioner; Maria Hunter, Village Planning Board; Neil Crouse, Village Trustee

I. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Palermo, seconded by Councilman Essig, to accept the minutes of the regular meeting held March 3, 2016.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
NOES 0

b. Approval of Abstract:

Motion was offered by Councilman Essig, seconded by Councilman Arone, to approve Revised Abstract 1 by voiding voucher 20160008 (check #15152) issued for \$1308. This will reduce the total of the abstract to be \$49,511.60.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
NOES 0

Motion was then offered by Councilman Hunter, seconded by Councilman Essig, to approve Abstract 6 containing vouchers 20160417- 20160500 and totaling \$185,252.49.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
NOES 0

c. Cancel April 7 Regular Meeting:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to cancel the April 7 regular meeting and to conduct all business needed at the April 4 scheduled worksession.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
NOES 0

EXTRA ITEM - Appointment of Temporary Clerk:

Motion was offered by Councilman Essig, seconded by Councilman Arone, to approve the appointment of Katelyn R McDonnell to a three-month, temporary, full-time clerk position effective April 4, 2016. This position is non-union, Grade 1/Step 1, and is paid \$13.13/hour.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
NOES 0

II. Old Business

a. Acceptance of Bids - Vending Machines at Parks:

A bid opening was held on March 11, 2016 for proposals for the placement of vending machines at our two municipal water parks. The public notice was printed in the Times Herald Record on February 7, 2016 and only one bid was received. HGA Vending, Monroe, will provide a 20% commission. They are our current supplier and the Parks Department has been more than satisfied with their service and professionalism. Motion was offered by Councilman Arone, seconded by Councilman Palermo, to

accept the bid received from HGA Vending for vending services at both water parks May 1, 2016 – April 30, 2019.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

b. Presentation - Pilgrim Pipeline Update:

Earlier this week a meeting was held of local elected officials from municipalities in the pathway of the proposed Pilgrim Pipeline and Village Trustee Neil Crouse attended, representing Woodbury, along with 15 other municipalities. Thus far 18 of the 31 municipalities in New York have adopted resolutions opposing the pipeline and all the affected municipalities in New Jersey have as well. The proposed construction will be from the Port of Albany to Linden, New Jersey, and the pipeline will transport crude oil south and refined oil north (both lines will have a capacity of 200,000bpd) but at any time this can be reversed. It will be about 117 miles in length and proposed to be constructed within the NYS Thruway right-of-way. Access will be through a network of roads, not from the Thruway, which will be constructed every mile along the pipeline. Approximately six will be constructed in Woodbury. There will be four pump stations constructed along the pipeline and one is planned in Woodbury near Harriman. If one of the pump stations fails to close down if a leak is detected, it is estimated that an 8500bph spill could occur. A minimum of 168 private properties could be subject to eminent domain. Some possible impacts in Woodbury would be to our water aquifer, private wells, municipal wells, wetlands, private property values and roads. Trustee Crouse added that Villages and Cities have more control with this issue and if the Village adopts a resolution of opposition by super majority it could cause the pipeline not to be able to be constructed within their boundaries (Section 87, Article 7 of NY Transportations Corporation Law). The Board asked Trustee Crouse some questions regarding the pipeline and it was noted that each received a packet via e-mail that contained a lot of information. Councilman Hunter stated he is very angry about this project and feels nothing good will come from it. Since it will run parallel to Woodbury Creek and our aquifer, a leak could cause devastation and he feels everything should be done to oppose this pipeline. Supervisor Sutz noted that the 600+ page DEIS with appendixes has been posted on the Town and Village website for the public to be informed. A resolution adopted by the 18 municipalities has been received by the Board and Attorney McKay has reviewed it. He recommends that the Board take action and sees no legal concerns with the resolution as proposed. Motion was then offered by Councilman Palermo, seconded by Councilman Arone, to adopt the following resolution opposing the Pilgrim Pipeline:

WHEREAS, Pilgrim Pipeline Holdings, LLC, is proposing to build two pipelines and/or related infrastructure and access roads through the Town of Woodbury that would transport crude oil and refined petroleum products between Albany, New York and Linden, New Jersey; and

WHEREAS, the pipelines would carry oil from the Bakken Shale region of North Dakota extracted through a process that includes hydraulic fracturing, or “fracking,” and this process has been found to contaminate clean water resources, create toxic air emissions and radioactive waste, and release large quantities of methane gas into the atmosphere; and

WHEREAS, data collected by the Capline Pipeline in Louisiana, which tested crude from 86 locations worldwide, indicates that crude oil from Bakken Shale has a far higher vapor pressure than crude from dozens of other locations, making it much more likely to release combustible gases; and

WHEREAS, the U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a safety alert on January 2, 2014, to the general public, emergency first responders, and shippers and carriers regarding the particular flammability of Bakken crude oil; and

WHEREAS, the Pipeline would carry a large volume of Bakken crude oil through residential areas in the Town of Woodbury, which would place residents in harm’s way should an explosion or spill occur; and

WHEREAS, according to PHMSA, pipeline operators reported 1,880 crude oil spills incidents nationwide between 2003 and 2013, or nearly one incident every other day, resulting in over 44,265,438 gallons of oil being spilled; and

WHEREAS, 80 percent of these incidents were the result of corrosion, equipment failure, incorrect operation or material and weld failures; and

WHEREAS, according to Public Employees for Environmental Responsibility, PHMSA only has 135 inspectors to oversee 2.6 million miles of pipeline, and only a fifth of that pipeline system has been inspected by PHMSA or its state partners since 2006; and

WHEREAS, any rupture or compromise of the pipelines, even without an explosion or fire, would require extraordinary cleanup efforts, could force residents from their homes, and place a large number of residents in close proximity to hazardous materials; and

WHEREAS, most Town of Woodbury residents depend on ground water and public community water systems for potable water supplies, the integrity and safety of which may be jeopardized by construction and operation of the pipelines; and

WHEREAS, the Pilgrim pipelines also threaten important surface water resources, including Woodbury Creek; and

WHEREAS, the Town of Woodbury Town Board finds that the proposed Pilgrim pipelines potentially threatens the health, safety, and welfare of the community; could decrease the values of homes located along its route and in surrounding neighborhoods; and could negatively impact potential future development in the Town of Woodbury; and

WHEREAS, the Mid-Hudson Regional Sustainability Plan calls for becoming less energy and fossil fuel intensive while strengthening the regional economy, expanding renewable energy generation exponentially across the Region, and improving the resilience of the energy delivery system; and

WHEREAS, the New York State Energy Plan sets clean energy targets of a 40% reduction in greenhouse gas emissions from 1990 levels, 50% of energy generation from renewable resources, and 600 trillion Btu increase in energy efficiency, all by 2030, and also provides a comprehensive roadmap for building a clean, resilient, and affordable energy system for all New Yorkers; and

WHEREAS, construction of the Pilgrim pipelines to support and expand markets for fossil fuels is directly contrary to these regional and statewide clean energy plans and goals.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Woodbury:

1. Calls upon the New York State Thruway Authority, the New York State Department of Transportation (DOT) and the Federal Highway Authority to reject use of the Thruway's right-of-way for the purpose of transporting oil or gas by pipeline; and
2. Urges Governor Cuomo to reject construction of the Pilgrim pipelines in New York as inconsistent with the ambitious clean energy goals he has set for the State; and
3. Directs the Town Clerk to forward copies of this resolution to the NYS Thruway Authority Executive Director Robert Megna, NYS DOT Commissioner Matt Driscoll, the Federal Highway Administration Division Administrator; U.S. Senators Charles Schumer and Kirsten Gillibrand, Governor Andrew Cuomo, State Senator William Larkin, State Assemblyman James Skoufis, and NYS DEC Commissioner Basil Seggos.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo

 NOES 0

It was noted that Councilman Hunter will be the representative from the Town Board at future meetings held regarding this issue and will attend with Trustee Crouse.

EXTRA ITEM - Tree/Debris Removal at Gasho Property:

Supervisor Sutz noted that the Town has engaged the services of a harvester, Thomas Immel from County Logging, to address the dead, damaged and leaning trees on the Gasho property at no cost.

All dead trees will be piled neatly by the harvester for the Town to dispose of. Any salvageable wood the harvester will keep. He further noted that several Board members attended a meeting with the harvester to review what work will be done. Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to accept this proposal.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

III. New Business:

a. Schedule Public Hearing - OCCD FY2017:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to schedule a public hearing to be held on April 4, 2016 at 7:30PM to entertain public suggestions for projects to be applied for funding through the Orange County Community Development FY2017 grant program.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

EXTRA ITEM - Agreement with Gun Club for Police Use of Range:

The Woodbury Field & Stream has approached the Police Department to renegotiate and update the agreement that exists between the two entities (last addressed in 2004). A draft agreement has been presented for the Board to consider and Attorney McKay has reviewed it. He has some concerns with an addition that was made to the agreement with regards to the indemnification. Motion then was offered by Councilman Palermo, seconded by Councilman Hunter, to authorize the Supervisor to sign an agreement with Woodbury Field & Stream for the Police Department to use their firing range for police officer training purposes, once finalized by Attorney McKay.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

EXTRA ITEM - Appointment of Special Counsel - Tax Certiorari:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to appoint William Frank (from the law firm Blustein, Shapiro, Rich & Barone) to serve as special counsel for the 12 Commerce Drive tax certiorari case before the Town of Woodbury. It was noted this is necessary due to a conflict of interest Attorney McKay's firm has with the petitioner.

ADOPTED AYES 3 Sutz, Hunter, Palermo
 ABSTAIN 2 Arone, Essig

Councilmen Arone and Essig abstained due to conflict of interest they both have with this firm.

EXTRA ITEM - Agreement with Liturgical Publication for a Monthly Newsletter:

A proposal has been received to publish a monthly joint newsletter for the Town and Village. There is no cost to the municipalities for the producing and publication of this newsletter, only postage to mail it to residents. The company that produces/prints the newsletter sells advertising space which covers the costs. There is also a profit sharing program that will help offset the cost of postage. Councilman Hunter stated the Board only received this document this afternoon and he would like to table the discussion to the next meeting so he has time to review it. Attorney McKay stated he has reviewed the agreement as proposed and he has some concerns about it, specifically the five year commitment, which would exceed the term limit of any sitting Board member. He wants to make sure the term does not exceed the maximum limit permitted. Councilman Palermo agreed the newsletter is a good idea but also agrees the term length is too long. He would like to see the commitment reduced to two years. Councilman Arone asked if Woodbury businesses would be approached first for the advertising spaces and he was told that could be requested. He then asked if at first the newsletter not

be mailed to see how it is received by the public and then mail it in the future if the response is positive. Supervisor Sutz stated that would not be possible because the amount of issues ordered correlates directly to the advertising sales they require. Supervisor Sutz added that it was implied by the publisher that this agreement is their standard one and was non-negotiable since the service was free. The reason for the length was due to the commitments that would be made to the advertisers. Motion was then offered by Councilman Palermo, seconded by Councilman Arone, to authorize Attorney McKay to contact the publisher and attempt negotiations of the proposed agreement.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

IV. Department Reports:

a. Supervisor's Report:

Motion was offered by Councilman Arone, seconded by Councilman Essig, to approve the February 2016 Supervisor's Report with receipts totaling \$5,285,737.14 and disbursements totaling \$1,641,091.32.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

b. Town Clerk's Report - February 2016

c. Parks/Recreation Minutes - February 16, 2016

d. Animal/Goose Control Report - February 2016

An inspection was conducted by the New York State Department of Agriculture and Markets and a grade of "satisfactory" was received, which is the highest mark you can get.

e. Police/Communications Report - February 2016

f. Beautification Committee Minutes - None Received

g. Library Minutes - March 1, 2016

h. Budget vs. Actual - February 2016

V. Board Member Comment:

Attorney McKay was congratulated by all on his recent re-election as Village Justice in the Village of Washingtonville.

Supervisor Sutz stated it has been a very busy week at Town Hall. He noted that he appreciates the time each Board member has taken on various issues.

Councilman Hunter thanked Assemblyman James Skoufis for getting the Assembly to fund the entire Exit 131 reconfiguration project in the state budget this year. Hopefully it will not be cut during review.

VI. Public Comment:

Lieutenant Abbott announced the annual PBA/Parks Department Easter Egg Hunt is scheduled for March 19 at 10:30AM sharp at the Earl Reservoir. He also announced that a lockdown drill was recently held at CV Elementary and was very successful.

Daniel Stimpfle asked for the Board to explain what the "Exit 131" project is that was mentioned by Councilman Hunter this evening. Supervisor Sutz explained it is a project that has been in the discussion for over 10 years and Trustee Crouse provided a detailed history.

John Smith asked what the newsletter discussed this evening would look like and he was informed it would look like a magazine.

Robin Crouse asked what department the temporary clerk appointed this evening would be working in and she was told primarily the Assessor's Office but she will not be assigned to a specific department. Mrs. Crouse asked what the need is and Supervisor Sutz stated the Assessor's Office has a heavy work load this time of year and to also cover the loss of a full-time employee in that office as well. Mrs. Crouse asked how long the position would be for and she was told three month. With regards to the Pilgrim Pipeline she stated she is very happy to see the Town and Village work together on this issue, noting there is strength in numbers. Regarding the proposed newsletter, she would like to see it not mailed at first to see how it is received, noting there are many other forms of media that could be used which are also at no cost to the taxpayers.

Joseph Zlato informed the Board that Woodbury Junction was sold earlier this month. The original developer, William Brodsky, has retained ownership of twelve parcels - three will be deeded over to the Village and one is supposed to be the recreation center for the development. Supervisor Sutz stated he has spoken to Mayor Queenan about the issue and both are keeping a careful eye on what is occurring at this development.

Ben Meyers, editor of the Woodbury Gazette, asked what would the purpose of the proposed newsletter be and Supervisor Sutz explained to keep the public fully informed of services offered and what is happening in Woodbury. Mr. Meyers stated he feels this newsletter will be in direct competition with his newspaper, adding he offers this service to the departments already for free. He asked the Board to reconsider this issue and use his publication instead, noting he has been in publication for six years as of April 1.

Thomas Burke stated he feels the Woodbury Gazette is excellent for our community and if Mr. Meyers is offering his services for free then it should be considered seriously.

Maria Hunter added that she feels Mr. Meyers has gone over and above for the community and the Board should be fair to this business. She then noted the Village of Kiryas Joel water treatment plant and pump house are before the Planning Board and both parties are working well on the issue.

9PM – Executive Session:

Motion was offered by Councilman Essig, seconded by Councilman Palermo, to enter into an executive session to discuss the employment history of an employee in the Police Department and Assessor's Office.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

No minutes of the executive session were recorded.

VII. Adjournment:

With no further business to discuss, a motion was offered by Councilman Palermo, seconded by Councilman Arone, to end the executive session and adjourn the meeting at 10:45PM.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

Desiree Potvin, Town Clerk