

Minutes of the Village Board Meeting held at Town Hall, 511 Route 32, Highland Mills, New York on April 30, 2009 at 7:30PM

Present: Michael Queenan, Mayor
Neil Crouse, Timothy Egan, Thomas Flood and Richard Jackson, Trustees

Absent: None

Also Present: Richard Golden and Kelly Naughton, Attorneys for the Village; Stuart Turner, Village Planner; Richard Cattagio and Sandra Capriglione, Zoning Board; Maria Hunter, Planning Board; John Jones, Fire Chief; Gary Thomasberger, Building Inspector; Peter Stabile, Highway Superintendent

EXTRA ITEM – Autism Awareness Recognition:

April is Autism Awareness month and present at the meeting this evening was a group called the “Spectrum Project” that is trying to create a school in Orange County for children afflicted with autism. The spokesperson, Maria Pepe, educated the Board about autism and what her committee is trying to accomplish. A motion was then offered by Trustee Flood, seconded by Trustee Egan, to adopt the following resolution:

WHEREAS, April has been designated as National Autism Awareness Month, which has been celebrated by the Autism Society of America (ASA), since the 1970s to highlight the growing need for concern and awareness about autism; and

WHEREAS, many children with autism are forced to commute long distances to attain education designed to meet the growing needs of students with developmental disabilities.

NOW, THEREFORE, BE IT

RESOLVED that the Village Board of the Village of Woodbury does hereby recognize the efforts of the Spectrum Project, which aims to provide a special school for children in Orange County so that children with autism can become independent, productive members of the community.

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

EXTRA ITEM – Approving Slate of Officers – Fire Department:

Motion was offered by Trustee Crouse, seconded by Trustee Jackson, to approve the slate of officers for the Woodbury Fire Department for 2009/2010 as follows: John Jones, Fire Chief; Scott McClennan, Jr., First Assistant Chief; Pasquale Prozzillo, Second Assistant Chief.

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

Clerk Potvin administered the oath of office for the officers that were present.

I. Public Hearings:

a. Increase in Fees – Planning Board Escrow:

A public hearing was held to entertain public comment on the proposed amendment to Section 143-3 of the Village Code entitled “Schedule of Fees” to provide for increased escrow deposits for special consultants’ fees. The public notice was printed in the Times Herald Record on April 22, 2009.

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

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

Motion was then offered by Trustee Egan, seconded by Trustee Crouse, to adopt Local Law 2 of 2009 as follows:

A LOCAL LAW AMENDING SECTION 143-3 THE CODE OF THE VILLAGE OF WOODBURY ENTITLED "SCHEDULE OF FEES" TO PROVIDE FOR INCREASED ESCROW DEPOSITS FOR SPECIAL CONSULTANTS' FEES.

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

SECTION 1. FINDINGS.

The Board of Trustees of the Village of Woodbury has considered the current amount of escrow money currently required under the Village Code in connection with the review of applications by the Planning Board and its consultants. Upon examining both past and current applications, as well as the limits of escrow required by neighboring municipalities, the Board of Trustees finds that increasing the escrow amounts required would lessen the number of requests for additional escrow from developers and put the Village's required escrow on equal footing as neighboring municipalities.

SECTION 2. PURPOSE.

The purpose of this local law is to revise those sections of the Code of the Village of Woodbury relating to the amount of money held in escrow by the Village for applications before the Planning Board.

SECTION 3. PLANNING BOARD ESCROW.

Sections 143-3(C)(3)(a), (b), (c) and (d) of the Code of the Village of Woodbury are hereby repealed and the following language substituted in its place:

- (3) Planning Board amount of escrows. The Woodbury Building Department shall compute the initial escrow charge in accordance with the following schedule:
 - (a) Subdivisions.
 - [1] Residential: \$3,000 per lot.
 - [2] Commercial: \$5,000 per lot.
 - [3] Lot line change:
 - (a) Residential: \$2,500
 - (b) Commercial: \$5,000
 - (b) Site plan approval.
 - [1] New structure or use: \$5,000 per acre and \$0.50 per square feet of structure.
 - [2] Existing structure or use: \$3,500 per acre and \$0.50 per square feet of structure.
 - (c) Informal work session appearance: \$500.
 - (d) Architectural review board appearance.
 - [1] Residential: \$500 per lot
 - [2] Commercial: \$3,500 per lot

SECTION 4. REVIEW OF APPLICATION.

Sections 143-3(C)(7) of the Code of the Village of Woodbury is hereby repealed and the following language substituted in its place:

(7) Review of application. Until the escrow account and all fees, as set forth herein, are paid no review of an application shall be undertaken by the consultants. The failure to replenish the escrow account as required or the failure to pay the fees as required herein shall be appropriate grounds for the denial of an application. The matter shall not be scheduled before a particular Board, except for the issuance of a denial as provided herein.

SECTION 5. 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, New York Village Law §§ 7-706, 7-708 and 7-709, and the common law regarding subdivision vesting, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 6. 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 7. 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.

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Queenan	AYES
Trustee Crouse	AYES
Trustee Egan	AYES
Trustee Flood	AYES
Trustee Jackson	AYES

b. FY2010 Orange County Community Development Grant:

A public hearing was held to entertain comments and suggestions for projects to be applied for funding through the Orange County Community Development program for FY2010. The public notice was printed in the Times Herald Record on April 22, 2009 and the following suggestions were received:

Maria Hunter suggested the following improvements to the Central Valley Fire Company building/property: repairs to the bay doors, improvements to the ventilation system, repairs to the brick façade, resurfacing of the bay floor and improvements to the drainage system, paving and stripping of parking lot indicating handicapped accessible spaces. (NOTE – It was noted that, although the Village pays an annual lease to the CV Fire Company for the storing of fire trucks in their bay, the CV Fire Company building and property is not owned by the Village. It is privately owned by the members of the CV Fire Company). She then added that the Village Hall/Highland Mills Fire Company parking lot needs slurring and stripping, Perrone Circle needs to be addressed as well as the pillars at Oak Clove Circle, the pillars and steps of Town Hall and the railing for the ramp accessing the backdoor of Town Hall.

Mayor Queenan suggested the water quality for Water Area #6 (commonly known as Amdur Park) needs to be improved.

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

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

Clerk Potvin will forward a copy of the minutes of this hearing to Engineer Lindsay for him to review with the Community Development program administrator to determine if funding could be applied for any of the suggestions received this evening.

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Egan, seconded by Trustee Jackson, to accept the minutes of the regular meeting held April 14, 2009.

ADOPTED AYES 4 Queenan, Egan, Flood, Jackson
 ABSTAIN 1 Crouse

b. Approval of Abstract:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to approve Abstract 21, Vouchers #20081487 - #20081565 (less voucher 20081542, check #2159) totaling \$131,598.00.

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

c. Use of Building Request:

Motion was offered by Trustee Crouse, seconded by Trustee Jackson, to approve the request received by the Boy Scout Troop 149 to use the building on June 18 from 6PM – 9PM for a Court of Honor ceremony.

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

d. Waiver of Fire Permit Fee – Woodbury Fire Department:

Motion was offered by Trustee Jackson, seconded by Trustee Flood, to approve waiving the fire permit fee for the Woodbury Fire Department to conduct a fireworks display on July 5, 2009.

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

e. Waiver of Public Assembly Free – Woodbury Lions Club:

Motion was offered by Trustee Crouse, seconded by Trustee Flood, to approve the request received from the Woodbury Lions Club (a not-for-profit organization) to waive the fee for the public assembly permit they have applied for their Community Yard Sale to be held on June 13, 2009 at the St Patricks Church parking lot.

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

EXTRA ITEM – Additions to Drivers List:

Motion was offered by Trustee Jackson, seconded by Trustee Egan, to approve the request received from CV Captain Keith Foley to add himself and Charles Edwards Jr to the drivers list for Truck 502.

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

EXTRA ITEM – Membership Application:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to approve the application for membership for the Highland Mills Fire Company received from David Elia, pending proof of physical.

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

III. Old Business:

a. Acceptance of DGEIS – Comprehensive Plan:

Planner Turner stated the SEQRA process needs to be completed before the Comprehensive Plan can be adopted. Attorney Golden stated the next step is for the Board to deem the Draft Generic

Environmental Impact Statement as being adequate for public inspection. Motion was offered by Trustee Crouse, seconded by Trustee Flood, to deem the Draft Generic Environmental Impact Statement as being adequate and ready for public comment.

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

b. Home Rule Legislation – Special/Improvement Districts:

Trustee Crouse stated he reviewed the minutes from the last meeting and would like to know why the Town would be able to run the Water/Sewer Department more efficiently than the Village. Mayor Queenan stated his reason is because the Town has a full-time Supervisor and that the Water/Sewer Department works with other Town departments. Trustee Crouse stated when the Water/Sewer Department transferred to the Village, neither the Supervisor or Town Board members reduced their salaries. The Village did increase the salary of the Mayor to compensate for the extra work. He feels that, if the State Legislature approves this bill, that the salary of the Mayor be reduced. Mayor Queenan stated that Trustee Crouse can offer that motion when the time comes if he so chooses. He added that his goal is to unify the Town and Village and he believes this is the first step in doing so. Motion was then offered by Trustee Egan, seconded by Trustee Flood, to adopt the following resolution requesting legislation from the State Assembly and Senate to return responsibility of the special districts back to the Town of Woodbury:

WHEREAS, as a result of the incorporation of the Village of Woodbury on August 28, 2006, and by operation of New York State Village Law, all Special Districts of the Town of Woodbury wholly contained within the boundaries of the new Village ceased to exist and were automatically transferred to the Village of Woodbury on June 1, 2007, as were the employees related to such Special Districts on January 1, 2008, and

WHEREAS, the Village of Woodbury desires to more efficiently operate, administer, expand and enlarge all such Special Districts in accordance with New York State law, except the former Fire District, by transferring the responsibility for such Special Districts back to the Town of Woodbury, and

WHEREAS, the Village of Woodbury lacks the legal authority to accomplish the above by local law,

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Woodbury hereby authorizes the Mayor and Village Clerk to execute and file any and all necessary documents to request the New York State Legislature to enact a Special Law pursuant to Article IX of the New York State Constitution to accomplish the following:

1. The transfer to the Town of Woodbury of all authority, responsibility, assets, debts, liabilities, contracts, causes of action and other entitlements for all former Special Districts of the Town that had been transferred to the Village by operation of New York State law as a result of the incorporation of the Village of Woodbury, except for the former Fire District, and
2. That the Village employees related to such Special Districts continue in the same positions as employees of the Town of Woodbury and have all the rights provided by New York State Civil Service Law, and local and collective bargaining agreements, as if their former positions had not previously been transferred to the Village but had continued with the Town of Woodbury.

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Queenan	AYES
Trustee Crouse	AYES
Trustee Egan	AYES
Trustee Flood	AYES
Trustee Jackson	AYES

Both Trustee Crouse and Jackson expressed their opinion that this should be the last time this effort is made since it has failed twice in the past.

EXTRA ITEM – Schedule Public Hearing – Flood Damage Prevention Local Law:

Correspondence was received from the NYS Department of Environmental Conservation that they find the proposed Flood Damage Prevention Local Law is acceptable for the Village’s continued participation in the National Flood Insurance Program. Motion was then offered by Trustee Jackson, seconded by Trustee Flood, to schedule a public hearing to be held on May 12, 2009 at 7:30PM to entertain public comment on the amendment to Chapter 159 of the Village Code entitled “Flood Damage Prevention” to comply with the floodplain management requirements of the National Flood Insurance Program.

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

IV. New Business:

a. Formation of Zoning Advisory Board:

Mayor Queenan stated he would like create a Zoning Advisory Board consisting of one member of the Planning Board, one member of the Zoning Board and Gary Thomasberger. He would like Planner Turner to serve in an advisory capacity. A discussion was held regarding whether a timeframe should be set to have a recommendation completed by. It was decided that a monthly report should be submitted to the Board updating it on the progress and the recommendation should be completed and submitted for review by the Village Board by the end of eight to ten weeks. Motion was offered by Trustee Crouse, seconded by Trustee Jackson, to create a Zoning Advisory Board and to empower Mayor Queenan to designate one member of the Planning Board and one of the Zoning Board to serve with Inspector Thomasberger and Planner Turner.

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

b. Sewer Waiver Request – McCabe:

Jonathan Cella, project Engineer for Zimmerman Engineering representing the lands of Derek McCabe, presented a request to permit construction of an individual on-site sewage disposal system to service a proposed single family residence. Inspector Thomasberger stated he witnessed the perc test and recommends that the waiver be granted. Trustee Flood asked if emergency connection to the sewer area is permitted to be approved. Attorney Golden stated the stay issued by the Orange County Supreme Court Justice prohibits all connections. He added that the County has filed a notice of appeal with the appellate division. Motion was then offered by Trustee Egan, seconded by Trustee Jackson, to approve the request for a temporary sewer waiver received from the Lands of Derek McCabe, pursuant to Section 253-16 of the Village Code, on property described as Section 223, Block 1, Lot 10.12 (located on Roselawn Road and NYS Route 32). The waiver is approved subject to the following conditions:

1. Septic System shall be a gravity design, if possible, and is subject to the satisfaction of the Village Engineer.
2. The present owner must inform the future owner that the maintenance of the system, including a pump, if installed, is their responsibility and not the Village’s.
3. Permanent connection must be made within one year of when connectivity to the sewer area becomes available. A \$1000 bond will be posted by the applicant to be held for the mechanical work that would be needed to make a permanent connection should they fail to do so.
4. The abandoned septic system shall be filled and inspected by the Building Inspector.

5. A dry sewer lateral from the street collection sewer line of the proposed building shall be installed and capped, subject to the Water/Sewer Department's satisfaction prior to a certificate of occupancy being issued, and in accordance with the attached "Dry House Sewer Lateral Detail".
6. These conditions shall be included in a declaration or deed restriction filed with the County Clerk in such a form as is acceptable to the Village Attorney. Proof of filing is to be filed with the Building Department prior to any building permit being issued.

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

c. Authorize Mayor/Clerk to Sign Collection Warrant:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to authorize the Mayor and Clerk to sign the Collection Warrant to enable the Tax Collector to collect the tax levy for the FY2009/2010 beginning June 1, 2009 through November 2, 2009.

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

d. Easement/Dedication – Prestige Real Estate:

Attorney Golden stated an offer of dedication, sanitary sewer and road easement was received from Prestige Real Estate, as required by the Planning Board Resolution filed with the Village Clerk on March 19, 2009. Motion was offered by Trustee Egan, seconded by Trustee Crouse, to accept the offer of dedication and to authorize the Mayor to sign the "Turner Road Easement" agreement and the "Sanitary Sewer Easement" pursuant to Section 272-38 of the Village Code contingent to a title report being approved by Attorney Golden showing that all real property and interests therein are released of all mortgages, liens and encumbrances.

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

e. Resolution – Water Billing Re-Levies:

Motion was offered by Trustee Jackson, seconded by Trustee Flood, to approve the following resolution for the levy of 449 delinquent water bills from the Consolidated Water Fund that totals \$84,634.37 (complete list on file in Village Clerk's Office):

WHEREAS, the Water Superintendent, William S. McClennan, prepared a list of delinquent water bills for April 14, 2009 in the Village of Woodbury Consolidated Water Fund which has been submitted to the Village Clerk and who, in turn, has prepared and filed with the Village Board a statement showing all water rents and charges and amounts due as of April 14, 2009, and

WHEREAS, the State Law allows the Village Board to adopt a resolution that the aforesaid delinquent water bills shall become liens against the property of the individual property owners which liens shall then be taxed as part of the 2009/2010 Village property tax bill, and

WHEREAS, it is necessary for the Village Board adopt such resolution so the County, when printing the 2009/2010 Village property tax bills, may levy the delinquent water bills against the property.

NOW, THEREFORE BE IT RESOLVED, that the delinquent water statements submitted to the Village Board by the Village Clerk pursuant to State Law shall be forward to the Orange County Real Property Tax Department by the Mayor so that they shall levy such sums against the property which is liable for said delinquent water statements and shall state the amount of the tax in a separate column in the annual tax rolls for the year 2009/2010 Village property taxes; and

BE IT FURTHER RESOLVED, that a copy of this resolution with the delinquent water statements shall be immediately transmitted to the County's Real Property Tax Department.

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Queenan	AYES
Trustee Crouse	AYES
Trustee Egan	AYES
Trustee Flood	AYES
Trustee Jackson	AYES

Motion was then offered by Trustee Crouse, seconded by Trustee Egan, to approve the following resolution for the levy of 12 delinquent water bills from the Water #6 Fund (Amdur Park) that totals \$1,935.20 (complete list on file in Village Clerk's Office):

WHEREAS, the Water Superintendent, William S. McClennan, prepared a list of delinquent water bills for April 14, 2009 in the Village of Woodbury Water #6 Fund which has been submitted to the Village Clerk and who, in turn, has prepared and filed with the Village Board a statement showing all water rents and charges and amounts due as of April 14, 2009, and

WHEREAS, the State Law allows the Village Board to adopt a resolution that the aforesaid delinquent water bills shall become liens against the property of the individual property owners which liens shall then be taxed as part of the 2009/2010 Village property tax bill, and

WHEREAS, it is necessary for the Village Board adopt such resolution so the County, when printing the 2009/2010 Village property tax bills, may levy the delinquent water bills against the property.

NOW, THEREFORE BE IT RESOLVED, that the delinquent water statements submitted to the Village Board by the Village Clerk pursuant to State Law shall be forward to the Orange County Real Property Tax Department by the Mayor so that they shall levy such sums against the property which is liable for said delinquent water statements and shall state the amount of the tax in a separate column in the annual tax rolls for the year 2009/2010 Village property taxes; and

BE IT FURTHER RESOLVED, that a copy of this resolution with the delinquent water statements shall be immediately transmitted to the County's Real Property Tax Department.

Mayor Queenan	AYES
Trustee Crouse	AYES
Trustee Egan	AYES
Trustee Flood	AYES
Trustee Jackson	AYES

Motion was then offered by Trustee Jackson, seconded by Trustee Flood, to approve the following resolution for the levy of 27 delinquent water bills from the Highland Lake Estates Fund that totals \$8,858.52 (complete list on file in Village Clerk's Office):

WHEREAS, the Water Superintendent, William S. McClennan, prepared a list of delinquent water bills for April 14, 2009 in the Village of Woodbury Highland Lake Estates Water Fund which has been submitted to the Village Clerk and who, in turn, has prepared and filed with the Village Board a statement showing all water rents and charges and amounts due as of April 14, 2009, and

WHEREAS, the State Law allows the Village Board to adopt a resolution that the aforesaid delinquent water bills shall become liens against the property of the individual property owners which liens shall then be taxed as part of the 2009/2010 Village property tax bill, and

WHEREAS, it is necessary for the Village Board adopt such resolution so the County, when printing the 2009/2010 Village property tax bills, may levy the delinquent water bills against the property.

NOW, THEREFORE BE IT RESOLVED, that the delinquent water statements submitted to the Village Board by the Village Clerk pursuant to State Law shall be forward to the Orange County Real Property Tax Department by the Mayor so that they shall levy such sums against the property which is liable for said delinquent water statements and shall state the amount of the tax in a separate column in the annual tax rolls for the year 2009/2010 Village property taxes; and

BE IT FURTHER RESOLVED, that a copy of this resolution with the delinquent water statements shall be immediately transmitted to the County's Real Property Tax Department.

Mayor Queenan	AYES
Trustee Crouse	AYES
Trustee Egan	AYES
Trustee Flood	AYES
Trustee Jackson	AYES

EXTRA ITEM – Generator Repair Estimate:

Motion was offered by Trustee Egan, seconded by Trustee Jackson, to approve the estimate received from Peak Power Systems totaling \$315.42 to remove blown out transfer switch bulbs replacing them with new ones and to remove a broken door handle replacing it with a new one.

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

EXTRA ITEM – Glass Door on Highland Mills Firehouse:

Fireman Michael Kling informed the Board that the glass doors on the lower north-east side of the Highland Mills Firehouse are not functioning and in need of repair. Mayor Queenan asked Chief Jones to obtain quotes for the repairs, with his assistance.

V. Board Member/Department Comment:

Trustee Crouse stated a Sign Committee meeting was held last week and he believes a proposal is ready to be made to the Board for consideration. The Committee will be reviewing a final draft and he would like to see a public hearing held in June.

Superintendent Stabile updated the Board on his road improvement project plans for 2009, noting the widening and drainage improvements of Roselawn Road. He also stated the brush clean-up will continue until June 15 as well as leaf bag collection.

VI. Public Comment:

Richard Cataggio, President of the Highland Lake Estates Homeowners Association, stated he would like to be notified as to whether the Town or Village will be Lead Agency regarding the proposed Kiryas Joel pipeline. He stressed that water is an important commodity and feels that Woodbury should be able to “tap” into the water line supply. Mayor Queenan stated the Village and Town are working together on this issue.

VII. Adjournment:

With no further comments received or business to discuss, a motion was offered by Trustee Jackson, seconded by Trustee Egan, to adjourn the meeting at 9:20PM.

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

Desiree Potvin, Village Clerk