

Minutes of the Village Board Meeting held at Town Hall on May 9, 2013 at 7PM

Present: Michael Queenan, Mayor
Neil Crouse, Timothy Egan and David Sutz, Trustees
Absent: Thomas Flood, Trustee
Also Present: Jessica McClennan, Deputy Village Clerk; Karen Ungerer, Zoning Board

I. Public Hearing:

a. Continuation – Dedication of Montesi Drive for Submission of Documents:

A public hearing was continued from the March 28 meeting for the sole purpose of the submission of any further documents and/or proof of compliance on part of WPF Construction Corporation regarding the offer of dedication of Montesi Drive. Mayor Queenan noted that there is currently an impasse between the developer and some of the residents with regards to obtaining the easements that are required with the dedication. Our attorneys are helping to facilitate the matter. Due to this, a motion was offered by Trustee Egan, seconded by Trustee Sutz, to continue the public hearing to June 27, 2013 at 7PM for the sole purpose of the submission of any further documents and/or proof of compliance on part of WPF Construction Corporation.

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

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Egan, seconded by Trustee Crouse, to accept the minutes of the regular meeting held April 25, 2013.

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

b. Approval of Abstract:

Motion was offered by Trustee Crouse, seconded by Trustee Sutz, to approve Abstract 22 containing Vouchers 121395 – 121441 and totaling \$563,631.75.

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

c. Budget Modifications:

Motion was offered by Trustee Sutz, seconded by Trustee Egan, to approve a modification to the budget of the General Fund by decreasing A1210.444 (Mayor – Schools/Dues) by \$64, A1330.412 (Tax Collector – Postage) by \$25, A1410.436 (VC – Website) by \$345, A1420.402 (Attorney – Planning Board) by \$5000, A1440.411 (Planner – Contractual) by \$1250, A1440.412 (Planner – Planning Board) by \$1300, A1460.411 (Records Mngt Supplies) by \$444, A3410.454 (FD – Vehicle Maintenance) by \$11,756, A3620.410 (BD – Laserfish Maintenance) by \$100, A8010.403 (ZB – Videographer) by \$225, A9025.800 (Service Award Program) by \$2491, A9040.800 (Workers Compensation) by \$4352, A9050.800 (Unemployment) by \$800, A9060.801 (Hospital/Medical) by \$3000, A9060.802 (Dental) by \$800 and increasing A1210.430 (Mayor – Transportation/Travel) by \$64, A1330.411 (Tax Collector – Office Supplies) by \$25, A1410.100 (Village Clerk – Personal Services) by \$2750, A1410.430 (Village Clerk – Trans/Travel) by \$321, A1410.444 (Village Clerk – Schools/Dues) by \$349, A1420.401 (Attorney – Contractual) by \$10,000, A1440.401 (Engineer – Contractual) by \$10,000, A1910.400 (Unallocated Insurance) by \$1181, A3410.416(FD – Uniforms/Accessories) by \$632, A3410.417 (FD – Cellular Phone) by \$300, A3410.422 (FD – Parade/Inspections) by \$426, A3410.453 (FD – Vehicle Repairs) by \$10,000,

A3410.472 (FD – Air Compressor Service) by \$398, A3620.411 (BD – Office Supplies) by \$100 and A1090 (Interest on Property Taxes) by \$4594.

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

d. Fire Department Membership Applications:

Motion was offered by Trustee Egan, seconded by Trustee Crouse, to accept the application for membership as a Junior Member with Highland Mills Fire Company from Christopher Reilly and as a Junior Member with the Central Valley Fire Company from Kevin Stevens.

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

III. Old Business:

a. Adoption of Local Law – Donation Bins:

Mayor Queenan stated the typo that appeared in the draft law was determined to be an unsubstantial change and can be made without the need of a new public hearing. Therefore, a motion was offered by Trustee Crouse, seconded by Trustee Egan, to adopt Local Law 3 of 2013 creating a new Chapter 111 of the Village Code entitled “Donation Bins” as follows:

SECTION 1 A new Chapter 111 of the Village Code is enacted as follows:

CHAPTER 111 - DONATION BINS

§111-1 Statement of Legislative Findings	§111-2 Definitions
§111-3 Prohibitions	§111-4 Permit Requirements
§111-5 Placement of Donation Bins	§111-6 Enforcement; Penalties for Offenses
§111-7 Exemptions	

§111-1 Statement of Legislative Findings

The purpose of this chapter is to provide regulations regarding outdoor donation bins and the placement of donations bins and to prohibit the use of donation bins that do not benefit charitable organizations. However, such commercial enterprises may thereafter be selling such items with little or no benefit to the charitable organization. It has come to the attention of the Village Board of Trustees that these bins are being installed with the appearance that donations will be used for charitable purposes.

§111-2 Definitions

DONATION BIN - Any container or receptacle placed on premises for use as a temporary storage where the public may drop off such items as clothing, books, household goods, etc.

§111-3 Prohibitions

- A. No person or other legal entity shall place any donation bin out to the public for people to drop off articles unless the proceeds from the sale of such clothing shall be utilized for charitable purposes registered under Section 501(c)(3) of the Internal Revenue Code.
- B. No person or other legal entity shall place or maintain any donation bin on any premises open to the public except when issued a permit by the Building Department.
- C. The owner, lessee, or other person or legal entity in control of the property where the donation bin is being maintained and the person or entity which owns, maintains, or operates the donation bin in violation of this chapter shall be jointly liable for such violation(s) therefore.

- D. Donation bins shall be maintained regularly and shall not be permitted to be allowed to overflow. A three foot area around the bin shall be clear from all debris and vegetation growth.

§111-4 Permit Requirements

- A. Any person or entity wishing to place or utilize a donation bin within the incorporated area of the Village of Woodbury in a place that is open to the public must obtain a permit from the Building Department. The one-time fee for this permit is \$50.00. The permit shall automatically renew annually unless the bin has been changed (painted a different color, new ownership) or a written complaint is received by the Building Department about the state of the bin.
- B. Only entities or organizations that have a tax status under Section 501(c)(3) of the Internal Revenue Code, as amended, may apply for and obtain a permit. Proof of such tax status must accompany an application for a permit or in lieu of the requirement a local register charity or not for profit entity may sponsor a donation bin. These include, but are not limited to, places of worship, Police (PBA), Fire, Ambulance, etc.

§111-5 Placement of Donation Bins

- A. There shall be no more than two donation bins per premises.
- B. The donation bin colors shall be one of the following: red, black, tan, green. If two donation bins are located on a property, both donations bins must be of the same color.
- C. No donation bin shall be placed forward of the front building line of a building located on the same lot in which the donation bin is placed.
- D. No donation bin shall be placed closer than six feet to any property line.
- E. No donation bin shall be placed where it will impede pedestrian or vehicle traffic, which includes sight lines, sidewalks, parking spaces, etc. It may be permissible to install a donation bin in a parking area provided the Code Enforcement Officer of the Building Department deems that adequate parking exists. No more than one parking space may be utilized for this purpose. Placement of the bins shall follow the intent of the site plan on file for the lot. If there is no existing site plan on file for the lot, then Planning Board approval is required.

§111-6 Enforcement; Penalties for Offenses

- A. The owner, lessee, or other person or legal entity in control of the property where a donation bin is being maintained in violation of this chapter and the person or entity which owns, maintains, or operates a donation bin in violation of this chapter shall be jointly liable therefore. Donation bins that exist prior to the effective date of this local law will have three months to comply.
- B. Code Enforcement Officers of the Building Department are hereby authorized to issue violation and appearance tickets for any violations of this chapter.
- C. Any such violation shall be categorized as a petty offense, punishable by a fine of up to \$250 per violation, per day. Each day that the offense(s) shall continue shall be considered a separate violation.

§111-7 Exemption

The application fee for this permit shall not apply to any donation bin that is located on premises that is owned or leased by any religious/charitable organization, State, Federal, County or local government entity.

SECTION 2 Savings Clause

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.

SECTION 3 Effective date.

This local law shall take effect immediately upon filing with the Secretary of State in Albany.

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Queenan	AYES
Trustee Crouse	AYES
Trustee Egan	AYES
Trustee Flood	ABSENT
Trustee Sutz	AYES

IV. New Business:

a. Adoption of 2013/2014 Holiday Schedule:

Motion was offered by Trustee Sutz, seconded by Trustee Crouse, to adopt the 2013/2014 holiday scheduled as follows: July 4 Independence Day, July 5 Floating Holiday, September 2 Labor Day, October 14 Columbus Day, November 11 Veteran’s Day, November 28-29 Thanksgiving, December 25 Christmas Day, January 1 New Year’s Day, January 20 Martin Luther Day, February 17 President’s Day, May 26 Memorial Day and the employees birthday if they are not in the union.

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

EXTRA ITEM – Return of Performance Bond:

Mayor Queenan noted that a request was received from the developer of Brigadoon to return the \$65,000 road maintenance bond. Correspondence has also been received from Highway Superintendent Weyant stating all work has been completed. Adjustments to the bonds amount have been made based on the promissory note that was posted for the Brigadoon Sewer Plant acquisition. Motion was offered by Trustee Sutz, seconded by Mayor Queenan, to return the balance of the performance bond in the amount of \$36,873.20.

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

V. Board Member/Department Comment:

The Board wished all a Happy Mother’s Day. Trustee Sutz reminded motorists that school will be out soon and asked all to drive carefully.

VI. Public Comment:

Ben Meyers stated he is glad the Village is joining the Town with Harriman in a lawsuit. He also stated that the Chamber of Commerce co-hosted a great expo.

VII. Adjournment

With no further business to discuss or comments received, a motion was offered by Trustee Egan, seconded by Trustee Sutz, to adjourn the meeting at 7:10PM.

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

Desiree Potvin, Village Clerk