

Minutes of the Village Board meeting held at Village Hall, 455 Route 32, Highland Mills, on August 14, 2007 at 7:30PM

Present: Stephanie Berean-Weeks, Mayor  
Neil Crouse, Michael Kling, Joann Stabile; Trustees  
Absent: Patrick Kinney, Trustee  
Also Present: Richard Golden, Attorney for the Village; Dennis Lindsay, Engineer for the Village; Roxanne Donnery, County Legislator; Robert Kwiatkowski, Police Chief; William McClennan, Water/Sewer Superintendent; Maria Hunter, Planning Board

**7:30PM - Executive Session:**

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Kling, to enter into an executive session pursuant to Article 7 of the Public Officers Law to discuss one item relating to the appointment of an individual.

**ADOPTED** AYES 4 Berean-Weeks, Crouse, Kling, Stabile  
NOES 0

**7:45PM - Return of Open Session**

**I. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Kling, seconded by Trustee Stabile, to accept the minutes of the July 10 and July 24, 2007 meetings.

**ADOPTED** AYES 4 Berean-Weeks, Crouse, Kling, Stabile  
NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Kling, seconded by Mayor Berean-Weeks, to approve Abstract 4, Vouchers #20070144 - #20070207, totaling \$39,670.42.

**ADOPTED** AYES 4 Berean-Weeks, Crouse, Kling, Stabile  
NOES 0

c. Budget Modification:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Stabile, to approve a modification to the FY2007/8 General Fund budget by decreasing A960 Appropriations (A1610.403 General - Payroll Prep) by \$2,837; increasing A510 Estimated Revenues (A2770 FOIL Requests) by \$1,000 and increasing A960 Appropriations (A1410.401 Village Clerk - FOIL Request \$1,000; A1670.201 Central Printing - Equipment \$2,327) by \$3,837.

**ADOPTED** AYES 4 Berean-Weeks, Crouse, Kling, Stabile  
NOES 0

**EXTRA ITEM - NYCOM Conference:**

Motion was offered by Trustee Kling, seconded by Mayor Berean-Weeks, to permit up to

three individuals (Village Clerk and two Board members) to attend the September NYCOM Conference in Saratoga Springs.

**ADOPTED** AYES 4 Borean-Weeks, Crouse, Kling, Stabile  
NOES 0

## **II. Old Business:**

### a. Discussion - Shared Building Inspector Services:

Mayor Borean-Weeks stated a second letter was received from the Village of Harriman requesting the Village of Woodbury to continue the agreement Harriman had with the Town of Woodbury regarding Building Inspectors. Research was conducted by the Woodbury Town Clerk and the Harriman Village Clerk and it was determined that no written agreement existed. Attorney Golden suggested a representative from the Board meet with a representative from Harriman and both Building Inspectors to discuss and draft an inter-municipal agreement. Mayor Borean-Weeks stated she will make the arrangements.

### b. Appointment of Site Inspector - Abrams Subdivision:

Motion was offered by Trustee Kling, seconded by Trustee Crouse, to appoint Clough Harbour as site inspector for the project known as "Abrams Subdivision".

**ADOPTED** AYES 4 Borean-Weeks, Crouse, Kling, Stabile  
NOES 0

### c. Discussion - Codebook Adoption:

Attorney Golden stated he will research to see if a public hearing is required to adopt the Town Codebook as of August 28, 2006 as the Village's Codebook. Engineer Lindsay stated there were two local laws adopted by the Town after the incorporation that are required by the State regarding Municipal Separate Stormwater Sewer Systems (MS4s). These laws need to be adopted by the Village Board by 2008. Clerk Potvin stated the use rates for the Highland Lake Estates Water District need to be adopted as well. Motion was offered by Trustee Kling, seconded by Mayor Borean-Weeks, to schedule a public hearing on September 11, 2007 at 7:30PM to entertain public comments on the adoption of the following:

#### Introductory Local Law #1 Adoption of Village Code

A local law amending Chapter 1, Article I, of the Code of the Village of Woodbury entitled "Adoption of 2007 Code" to provide for the adoption of the Code for the Village of Woodbury.

#### Introductory Local Law #2 Establishment of Water Rates

A local law amending Section 298-30 of the Code of the Village of Woodbury entitled "Establishment of Water Rates" to provide for the addition of the Highland Lake Estates Water District.

#### Introductory Local Law #3 Illicit Discharge and Connection Stormwater

A local law enacting a new chapter of the Code of the Village of Woodbury providing for Chapter 185 entitled "Illicit Discharge and Connection Stormwater" Ordinance.

#### Introductory Local Law #4 Stormwater Management and Erosion/Sediment Control

A local law enacting a new Chapter of the Code of the Village of Woodbury providing for Chapter 267 entitled "Stormwater Management and Erosion/Sediment Control" Ordinance.

**ADOPTED** AYES 4 Borean-Weeks, Crouse, Kling, Stabile

NOES 0

d. Report by Engineer - Water/Sewer Budgets:

Engineer Lindsay prepared and presented a report regarding his analysis of the FY2007/8 operating budget compared to the Towns 2007 budget. His findings are printed on pages 135 - 140 of this minute book. Engineer Lindsay stated the expenses, not including the labor adjustments, would have been effected similarly if the Districts were to stay with the Town. Mayor Berean-Weeks thanked Engineer Lindsay for his work on the analysis. Trustee Kling asked what will happen with the Village Forge Sewer District if/when Legacy Ridge is constructed. Engineer Lindsay stated Superintendent McClennan has done all he can to keep the plant operating but there are areas that are failing. If Legacy Ridge gets approved, they will upgrade the plant with new technology. Costs for supplies will decrease but the cost of energy will increase. Superintendent McClennan stated that the cost will be shared with more users though since the District will be expanded. It was decided that a copy of Engineer Lindsay's report will be mailed to the residents that asked questions about the budget at recent meetings. A cover letter will accompany the report explaining the adjusts.

e. Update - Citizen Advisory Committee (Route 17/87/32 upgrades):

Mayor Berean-Weeks stated Trustee Crouse and she attended the recent meeting of the Citizen Advisory Committee where four proposals were presented for upgrading the traffic patterns at the intersection of Route 17, Route 32 and Interstate 87. The next meeting will be held August 21 at 7PM at Village Hall. Trustee Crouse added that the project is nearing the end of the planning stages. At the next meeting, two proposals will be presented that combine the four original with the comments made at past meetings. A powerpoint presentation will be used to show projected traffic patterns in "real-time".

f. Update - Website Committee:

Mayor Berean-Weeks stated Trustee Kinney sent a summary of the five proposals he received. Each proposal contains a different number of available web-pages, bandwidth, e-mail accounts and disk storage. The comparable costs are as follows:

	<u>e-Diner</u>	<u>EZ-NetTools</u>	<u>Hertiage</u>	<u>Aeadvertising</u>	<u>General Code</u>
Design/Set-Up	\$3000	\$1965	\$1499	\$995	\$650
Maintenance	\$550/m	see hosting	see hosting	see hosting	\$330/y
Registration	\$34.99/y	included	included	included	Not Specified
Hosting	\$127.35/y	\$239.40/y	\$478.88/y	\$479.40/y	Not Specified
Total First Year Cost	\$6712.34	\$2204.34	\$1978.88	\$1474.40	\$650
Each Year After	\$3162.34	\$239.40	\$479.88	\$479.40	\$330

Trustee Kling commended Trustee Kinney on the great job he did researching this issue. Motion was offered by Trustee Kling, seconded by Trustee Crouse, to engage the services of Aeadvertising for the purpose of creating a website for the Village.

**ADOPTED** AYES 4 Berean-Weeks, Crouse, Kling, Stabile  
NOES 0

g. Update - Videotaping of Meetings:

Mayor Berean-Weeks stated she spoke with Councilman Queenan and permission has been granted by the Town Board to use the old equipment to record the Village Board meetings so they can be aired on Channel 22. The old camera can only tape for two hours. If the Village would like to use the new equipment, they need to hold their meetings at Town Hall. It was decided that the old camera would be fine and volunteers will be solicited using Channel 22 and writing letters to the Monroe-Woodbury and Cornwall High School Audio/Visual Department.

h. Update - Grant Committee:

Trustee Crouse stated he prepared an application for a grant that is being offered by the Orange County Planning Department. This application is being submitted jointly with the Village of Harriman and is for a study to be conducted on "Transit Oriented Development". The study would focus on the immediate area around the Harriman Metro-North Railroad Station. The estimated total project budget is \$40,000 (\$30,000 requested from the County and an in-kind support of \$10,000 from the municipalities). Mayor Berean-Weeks thanked Trustee Crouse for preparing the grant application. Motion was offered by Trustee Stabile, seconded by Trustee Kling, to authorize Trustee Crouse to sign and submit the grant application to the Orange County Planning Department, subject to the Village of Harriman adopting a similar resolution authorizing its submission. *(NOTE - Later in the meeting a telephone call was made and the Village of Harriman approved the grant application to be submitted).*

**ADOPTED** AYES 4      Berean-Weeks, Crouse, Kling, Stabile  
                  NOES 0

EXTRA ITEM - Rutherford Chemicals Annexation Petition:

Attorney Golden stated the Board declared itself as Lead Agency at the last meeting and feels that it is appropriate tonight to designate the action type, pursuant to SEQRA, that this application should be considered. He added it would also be appropriate to request that a draft scoping document be prepared by the petitioner. Motion was offered by Trustee Crouse, seconded by Trustee Kling, to declare the petition for annexation received from Rutherford Chemicals as a "Type 1" action under SEQRA.

**ADOPTED** AYES 4      Berean-Weeks, Crouse, Kling, Stabile  
                  NOES 0

Motion was then offered by Trustee Crouse, seconded by Trustee Stabile, to have the Village Clerk request from the petitioner a draft scoping document required by SEQRA.

**ADOPTED** AYES 4      Berean-Weeks, Crouse, Kling, Stabile  
                  NOES 0

Attorney Golden stated once the draft scoping document is received, the Board will have sixty days to review it, make changes, and cause it to be the final scoping document. This document will be used to create the Environmental Impact Statement.

**III. New Business:**

a. Schedule Public Hearing - HLE Water District Use Rates:

This item was discussed in the meeting earlier (Item IIc).

b. Waiver of Fire Permit Fee - Woodbury Community Day:

Motion was offered by Trustee Kling, seconded by Mayor Beran-Weeks, to waive the fire permit fee for the Woodbury Community Day Organization Committee for the firework display they have planned for September 8, 2007 at Earls Reservoir.

**ADOPTED** AYES 4 Beraan-Weeks, Crouse, Kling, Stabile  
NOES 0

c. Adoption of Street Name:

Motion was offered by Mayor Beraan-Weeks, seconded by Trustee Stabile, to approve the name of "Tennis Court" for the path leading to the tennis courts located in the Timber Ridge Phase I and II development.

**ADOPTED** AYES 4 Beraan-Weeks, Crouse, Kling, Stabile  
NOES 0

d. Resolution - Urge County to Keep County Route 44:

Trustee Crouse stated he attended a recent County Legislature meeting in which a discussion was held regarding giving a portion of County Route 44 (Seven Springs Road) to the Village of Kiryas Joel and Town of Monroe. The discussion was sent to the Physical Services Committee for their review and to give the adjoining municipalities an opportunity to submit their opinions. The reason the Village of Kiryas Joel is requesting control of the portion of the road is to construct sidewalks, install traffic devices, and to aide in the safety of their residents that walk this area frequently. He feels there is no opposition to sidewalks being installed but feels the road should remain the responsibility of the County. Engineer Lindsay stated the Town was granted permission by the County to install sidewalks on Dunderberg Road and Smith Clove Road without having to assume ownership them.

County Legislator Donnery stated the request was first made by the Village of Kiryas Joel in 2004 and continued to become more threatening as time passed (they cite eminent domain). She added that the Commissioner of Public Works has already stated that he is in agreement with the acquisition. She urged members of the community to attend the Physical Services Committee meeting to show support opposing the request. The meeting is being held in the County Legislative Room at 3PM on August 22.

Jonathan Swiller, representing OCEAN, conducted a site visit of the area and feels that an easement should be granted for the sidewalks to be installed rather than turning over portion of the road to the Village. He also suggested installing crosswalks and lowering the speed limit. He feels a compromise should be made rather than the County just rejecting the request.

Chief Kwiatkowski stated he had sent an email to Legislator Donnery with his concerns and agrees that the sidewalks on the road would aide in pedestrian safety.

Leonard Calone stated he has concerns about the speed limit. He feels that the residents of Kiryas Joel do not abide by traffic laws now and does not think that installing a traffic device would cause them to start doing so.

Richard Manley stated there are currently traffic lights on roads in the community of Kiryas Joel which their residents ignore. He added they also do not yield the right-of-way when approaching an intersection. There is already a sidewalk in this area and he would like to know how it was constructed without permission from the County.

Maria Hunter stated she feels the sidewalks should be constructed but that the County

should remain responsible for the road maintenance. She asked if the Town of Monroe has discussed this issue and Legislator Donnery stated they adopted a resolution requesting that the portion of the road be given to either their Town or the Village.

Attorney Golden stated County roads are important arterial roads connecting municipalities together. He feels that it is odd that the County is considering the request. He also agrees that it would be important for members of the Board and community to attend the meeting showing they are in opposition.

John Smith stated he agrees with Attorney Golden's statement and feels a letter should be written by the Attorney on behalf of the Board in addition to the resolution.

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Kling, to adopt the following:

**WHEREAS**, the Orange County Government is considering to turn over control of a portion of County Route 44 to the Town of Monroe and Village of Kiryas Joel. County Route 44, like other County roads, is an important regional route that runs through numerous municipalities. Such routes are typically under County control and should remain so.

**NOW, THEREFORE, BE IT RESOLVED** that the Village Board of the Village of Woodbury is opposed to any turnover by the County of Orange of its control over any portion of County Route 44 to any municipality.

**ADOPTED** AYES 4      Berean-Weeks, Crouse, Kling, Stabile  
NOES 0

A letter will also be written by Attorney Golden to the County Legislature.

e. Discussion - Town's Emergency Disaster Plan:

Mayor Berean-Weeks stated the document received by the Town that states "final" is actually a draft. The final will be discussed at the Town Board worksession scheduled for September 4. She feels that the Village Board should have a say in what information is in the document. Trustee Kling stated the Inter-Municipal agreement gives the Town Board the authority to create and adopt the document. Attorney Golden stated the Village Board should review the plan but that only one plan should exist to avoid confusion. Trustee Crouse stated the plan should require that the Mayor be notified when an emergency occurs.

**IV. Board Member Comments:**

Trustee Kling stated he attended the recent NYCOM seminar regarding Fire Department management and has asked Attorney Golden to prepare a memo summarizing Section 10-1000 of Village Law that addresses Fire Departments. Mayor Berean-Weeks stated she wants to remain conscious of the promise made during the campaign that the Board would keep employees/appointments the same as they currently exist. Trustee Kling stated he understands that but there is no need for a Board of Fire Commissioners since they have no administrative authority without prior approval granted by the Village Board. Attorney Golden stated he will prepare a report for the Board. Trustee Kling then asked if the Board will be acting on the request made to add "mass outdoor gatherings" to the Zoning Code. Attorney Golden stated the Board would need to decide how it wishes to handle these types of requests (i.e., a special permit issued by the Planning Board). It needs to also decide if limitations would be imposed (i.e., parking, hours, attendance). He suggested that Codes from other Towns be reviewed and that the

Planning Board Liaisons meet with some of the Planning Board members to determine how they feel it should be handled.

Trustee Crouse stated the Village Board has been asked by Building Inspector Thomasberger to consider adopting a revised "Sign Ordinance" since the current one has deficiencies and desperately needs to be updated. Attorney Golden suggested the Board review the draft submitted by Inspector Thomasberger, discuss it at their next meeting, and then decide if they want to add it to the public hearings scheduled for September 11. He also suggested that Inspector Thomasberger and Engineer Lindsay be asked to attend the next meeting to answer questions the Board may have.

#### **V. Public Comment:**

Chief Kwiatkowski stated he would like a paper copy of the Village Code for his department when it is printed. Regarding the Disaster Plan, the Police and Fire Departments will do that they are required to do regardless of what the Plan says. Each member of both departments have been trained in disaster management. The issue that he feels is important to decide is which government will be responsible for declaring a state of emergency should the need arise. Mayor Berean-Weeks stated the Town Supervisor would be the individual deciding that. Attorney Golden added that if the Village Board feels it should be more involved in the Disaster Plan process, they should indicate so to the Town Board and revise the Inter-Municipal Agreement accordingly.

Jonathan Swiller stated he feels the letter from Attorney Golden to the County regarding County Route 44 should suggest that an easement be granted for the sidewalks. County Legislator Donnery stated the Village of Kiryas Joel are citing other concerns as reasons for wanting control of the road other than sidewalks. Mr. Swiller stressed that a compromise should be proposed rather than just denying the request.

Maria Hunter distributed to the Board members a copy of the flyer that was created for the Woodbury Community Day event planned for September 8. She then stated that the public fully supports this Board and understands that some of the promises made during the campaign will be not able to be kept due to laws and other circumstances.

Richard Manley stated he lives in Timber Ridge and does not want his address effected by the newly named "Tennis Court". Mayor Berean-Weeks stated the name was given to the path so that the units on Linden Drive would not be renumbered. Maria Hunter, formerly of the E-911 Committee, stated the name is required for identification purposes.

Robin Crouse asked if naming the path in Timber Ridge "Tennis Court" could cause confusion with other tennis courts in the Town. Maria Hunter stated cross roads will be cited when E-911 is called to the area in an emergency. Mrs. Crouse then thanked Trustee Kling for "taking the lead" regarding the Nepera hearings before the EPA in Hamptonburgh. She stated she will be attending the hearing there on August 16. She then commended the Board for moving forward with the formation of a Village website and videotaping of the meetings. She

feels that the Board should consider purchasing a camera that can record for longer than two hours though.

**VI. Adjournment:**

With no further comments received or business to discuss, a motion was offered by Mayor Berean-Weeks, seconded by Trustee Stabile, to adjourn the meeting at 10PM.

**ADOPTED** AYES 4      Berean-Weeks, Crouse, Kling, Stabile  
              NOES 0

Desiree Potvin, Village Clerk