

Minutes of the Village Board meeting held at the Highland Mills Firehouse, 455 Route 32, Highland Mills, New York on February 12, 2008 at 7:40PM

Present: Stephanie Berean-Weeks, Mayor
Neil Crouse and Joann Stabile, Trustees
Absent: Patrick Kinney and Michael Kling (*arrived late*), Trustees
Also Present: Richard Golden, Attorney for the Village; Dominick Prozzillo, Fire Chief; George Sewitt and Maria Hunter, Planning Board; Peter Stabile, Highway Superintendent

I. Public Hearings:

a. Zone Change - Legacy Ridge - R3A to R2A:

A public hearing was held to entertain public comment to amend the Code of the Village of Woodbury by changing the zoning of an approximately 749 acre parcel of land along Trout Brook Road between Smith Clove Road and Route 32 from R3A to R2A. The notice was printed in the Times Herald Record on February 1, 2008 and the verbatim minutes of this hearing are printed in this minute book on pages 30 - 49.

b. Zone Change - Legacy Ridge - Conservation Cluster Overlay District:

A public hearing was held to entertain public comment to amend the Code of the Village of Woodbury by designating a 749 +/- acre tract of land along Trout Brook Road between Smith Clove Road and Route 32 for Conservation Cluster Development. The notice was printed in the Times Herald Record on February 1, 2008 and the verbatim minutes of this hearing are printed in this minute book on pages 49 - 54.

Trustee Kling arrived to the meeting.

c. Water Billing Periods:

A public hearing was held to entertain public comment to amend the Code of the Village of Woodbury by amending Chapter 298 entitled "Water" to provide for the repealing and replacing of Section 298-14. The public notice was printed in the Times Herald Record on February 5, 2008 and no comments were received.

Motion was then offered by Trustee Stabile, seconded by Trustee Kling, to close the public hearing.

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

Motion was then offered by Mayor Berean-Weeks, seconded by Trustee Kling, to adopt Local Law 2 of 2008 as follows:

Section 1 Section 298-14 is hereby repealed and replaced as follows:

§ 298-14. Billing schedule.

Bills for water service shall become due and payable to the Village of Woodbury, and such payment shall be made to the Village Treasurer, quarterly for the periods ending on the last days of February, May, August and November each year."

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 Berean-Weeks	AYES
Trustee Crouse	AYES
Trustee Kinney	ABSENT
Trustee Kling	AYES
Trustee Stabile	AYES

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Stabile, to accept the minutes of the meeting held January 22 and 30, 2008.

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

b. Approval of Abstract:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Crouse, to approve Abstract 14, Vouchers #20070683 - #20070769, totaling \$104,272.60.

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

c. Approval of Budget Modification:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Stabile, to approve a modification to the General Fund by decreasing A960 Appropriations (A3620.200 Equipment) and to increase A960 Appropriations (A3620.463 BD - Computer Software).

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

d. Authorize Mayor to Sign Change Order 8 - Fire Truck Purchase:

Motion was offered by Trustee Kling, seconded by Trustee Crouse, to authorize the Mayor, and any officer of the Fire Department needed, to sign Change Order 8 (which will decrease the purchase price by \$42,020) with Smeal Fire Apparatus Co for the purchase of a new fire truck (contracted with the Woodbury Fire District prior to its demise).

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

e. Acceptance of Resignation/Appointment - Comprehensive Plan Committee:

Motion was offered by Trustee Crouse, seconded by Mayor Berean-Weeks, to accept, with regrets, the verbal notification received from Colleen Campbell of her resignation from the Comprehensive Plan Committee effective immediately.

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

Motion was then offered by Trustee Crouse, seconded by Mayor Berean-Weeks, to appoint Douglas Ottavio to the Comprehensive Plan Committee.

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

f. Use of Meeting Room Request:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Kling, to approve the request to use the meeting room received by the Woodbury Republican Club for February 27, 2008 at 7PM.

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

Motion was then offered by Trustee Kling, seconded by Trustee Crouse, to approve the request to use the meeting room received by the Highland Mills Fire Company for March 30, 2008 from Noon until 8PM.

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

Motion was then offered by Trustee Kling, seconded by Trustee Stabile, to approve the request to use the meeting room received by Louis Tipaldo (WFD Fire Police) for July 19, 2008 from Noon until 6PM, pending receipt of required insurance documents.

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

It was noted that a request was received from the Woodbury Fire Department to use the meeting room on March 8 but they withdrew their request since the room has already been reserved by the Boy Scouts for an Eagle ceremony.

III. Old Business:

a. Update - Kristy's Restaurant Liquor License:

Mayor Berean-Weeks noted that a letter was received from the Police Department stating they have no reason for the Board to be concerned regarding the application for a liquor license for Kristy's Restaurant.

b. Home Rule Legislation:

Mayor Berean-Weeks stated correspondence was received from Senator Larkin's Office regarding legislation proposed amend Village Law that would keep the Woodbury Fire District and keep the operation of the special (water/sewer) and improvement districts with the Town. She would like to table discussion on this issue until she is able to speak with Senator Larkin to determine why this legislation is being considered since it failed last year and all transitions have

already occurred.

c. Appointment of Additional Election Inspectors:

Motion was offered by Trustee Crouse, seconded by Mayor Berean-Weeks, to amend the resolution adopted on January 22 regarding the appointment of election custodians to be as follows: Mark Capriglione, Republican Custodian; Anthony Capriglione, Democratic Custodian.

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

Motion was then offered by Trustee Kling, seconded by Trustee Stabile, to appoint the following individuals as additional election inspectors for the March 18, 2008 election:

Republican Kathleen McKevitt, Kevin McKevitt, Louise Kopchak, Barbara Kelly, Patricia Reynolds

Democrat Carolyn Curran, Sandy Capriglione, Mary McKeown, Martha Bruce, Donna Washburn

Conservative Elizabeth Giacobbe

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

d. Continued Review - Employee Manual/Handbook:

Mayor Berean-Weeks stated this issue will be tabled until a future meeting.

e. Update - Amendment to Senior Housing Zoning Law:

Mayor Berean-Weeks stated she would like to table this issue to the next meeting. Attorney Golden stated the Board should review the definition suggestions for “disabled dependent” for discussion.

f. Approval of Contract - Saratoga Associates:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Stabile, to authorize the Mayor to sign the contract with Saratoga Associates for the purpose of compiling a Comprehensive Plan for the Village.

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

IV. New Business:

a. Insurance Policy Renewal:

Trustee Kling stated the insurance policy for the Village expired February 1, 2008 so Marshall & Sterling, at the request of him, renewed the policy with some changes that are favorable to the Village. He reminded the Board that the policy had to change with the addition of the Fire Department and Water/Sewer Department. The renewal policy will be through June 1, 2008 with Prime Insurance Company. Motion was offered by Mayor Berean-Weeks, seconded by Trustee Stabile, to approve the renewal policy as prepared by Marshall & Sterling through June 1, 2008.

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

b. Closing of Escrow Account - Sander:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Stabile, to approve the closing of an escrow account held for Walter Sander, as recommended by the Building Department. Mr. Sander has withdrawn his application before the Planning Board.

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

EXTRA ITEM - West Point Farms II SEQRA Designation:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Crouse, to authorize the Mayor to sign the document stating the Village Board does not object to the Village Planning Board assuming Lead Agency status for the West Point Farms II Subdivision.

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

EXTRA ITEM - Legacy Ridge Zoning Referral:

Motion was offered by Trustee Kling, seconded by Trustee Crouse, to, pursuant to the Village Code, request a report/recommendation from the Planning Board regarding the two proposed zone change laws (Introductory Local Law 1 and 2 of 2008).

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

EXTRA ITEM - Budget Update:

Clerk Potvin stated that, pursuant to Local Finance Law, she distributed budget worksheets to each department head on February 7, 2008. They are due back to the budget officer by March 1.

V. Fire Chief's Report:

Chief Prozzillo stated the Fire Department responded to 49 calls in January with 735 fire members responding to these calls and traveled 579 miles to and from the calls.

VI. Board Member Comments:

Trustee Crouse stated a draft of the "Public Assembly" local law was submitted by Building Inspector Thomasberger for the Board to review. He then asked for an update on comments from the Planning Board on the draft sign ordinance. Planning Board Chairman Sewitt stated the Planning Board reviewed the draft ordinance some time ago and he was under the impression that the comments were forward to the Village Board. Attorney Golden stated he look into the issue. Trustee Crouse then stated there is a free class being offered regarding the management of sewer treatment plants and he would like attend and invite Sewer Superintendent McClelland.

VII. Public Comment:

Jonathan Swiller stated a written complaint has been received by the Village Board and Building Department regarding him living in his home full-time in Raananah Park, which is

designated as a summer dwelling. He does not believe this designation is accurate and petitioned the Board to review the current law defining seasonal dwellings. When the Town was responsible for this action, they were informed by a number of attorneys that the law, as currently written, is problematic. Attorney Golden stated he has not researched this issue and, if the Board so directs, he will for the next meeting. Mr. Swiller then asked the Board to instruct the Building Department to hold all action in relation to Raananah Park residents violating the seasonal dwelling law until Attorney Golden completes his research. He also requested that Raananah Park not be designated as a “bungalow colony” since he believes it not to be. Attorney Golden noted that the Building Department does not have the authority to evict a resident from their home, only the Village Board can do so. Mayor Berean-Weeks suggested this issue be discussed in an Attorney/Client session. Trustee Kling stated he does not feel that fines should be issued until the Board comes to a resolution on this issue. Mr. Swiller stated he was told by Building Inspector Thomasberger that fines will be issued.

VIII. Adjournment:

With no further business to discuss or comments received, a motion was offered by Trustee Kling, seconded by Trustee Crouse, to adjourn the meeting at 9:50PM.

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

Desiree Potvin, Village Clerk