

Minutes of the Village Board Meeting held at HM Firehouse, 455 Route 32, Highland Mills on May 13, 2008 at 7:30PM

Present: Stephanie Berean-Weeks, Mayor  
Neil Crouse, Richard Jackson, Patrick Kinney and Joann Stabile, Trustees  
Absent: None  
Also Present: Richard Golden and Kelly Naughton, Attorneys for the Village; Dominick Prozzillo, Fire Chief; Maria Hunter, Planning Board; Peter Stabile, Highway Superintendent

## **I. Public Hearing:**

### **a. Senior Housing Zoning Amendment:**

A public hearing was held to entertain public comment on the adoption of Introductory Local Law 3 amending Section 310-36 of the Code of the Village of Woodbury entitled "Senior Citizen Housing Developments" to permit disabled children residents. The notice was printed in the Times Herald Record on May 5, 2008 and the application for mandatory County review of local planning action (GML 239 referral) was sent by certified, return receipt mail on April 25 and signed for on April 28, 2008. The following comments were received:

Robin Crouse stated the Board discussed at previous meetings the possibility of setting an age limit for the disabled child/children. The proposed law does not state any age restriction. She does support the amendment but feels that a minimum age should be set. In addition, she thought the Building Inspector requested that a special permit be required rather than he being the individual to determine compliancy. Attorney Golden stated the Board had an age restriction in previous drafts but, after discussion, removed it from the final version presented this evening. Regarding the filing of the certificate of compliance, the act is purely administrative and would not require any discretion on behalf of the Building Inspector (Code Enforcement Officer). If a special permit were to be required, application before the designated Board (Planning, Zoning or Village Board) would be required.

Maria Hunter stated she believes the intent of the SH District was to not effect the school districts. If no age limit is set for the disabled child, the school districts could then be effected.

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

**ADOPTED** AYES 5      Berean-Weeks, Crouse, Jackson, Kinney, Stabile  
NOES 0

Trustee Stabile stated she feels that an age restriction should be imposed based on the comments received this evening. Trustee Crouse stated he is against an age restriction being imposed because he feels that a parent should not be forced to choose to separate from their child based on zoning restrictions. Mayor Berean-Weeks stated the individual could choose to live elsewhere in Town rather than a SH zoning district. Trustee Kinney stated he does not believe the intent of this proposed law was to change the initial intent of the SH Zoning. He does not feel that the change should impact the school districts and suggested that a restriction of 21+ years of age. A motion was then offered by Trustee Kinney, seconded by Trustee Jackson, to direct Attorney Golden to

modify proposed Introductory Local Law 3, Sub-Section 2, to add an age restriction of 21+.

**ADOPTED** AYES 4 Berean-Weeks, Jackson, Kinney, Stabile  
NOES 1 Crouse

## **II. Administrative Business:**

### a. Acceptance of Minutes:

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

**ADOPTED** AYES 5 Berean-Weeks, Crouse, Jackson, Kinney, Stabile  
NOES 0

### b. Approval of Abstract:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Crouse, to approve Abstract 20, Vouchers #20071121 - #20071230, totaling \$127,885.65.

**ADOPTED** AYES 5 Berean-Weeks, Crouse, Jackson, Kinney, Stabile  
NOES 0

### c. Authorize Mayor/Clerk to Sign – Collector’s Warrant:

Motion was offered by Trustee Stabile, seconded by Trustee Crouse, to authorize the Mayor and Clerk to sign the “Collecting Officer’s Warrant” for the FY2008/9 tax collection season.

**ADOPTED** AYES 5 Berean-Weeks, Crouse, Jackson, Kinney, Stabile  
NOES 0

### d. Adoption of FY2008/9 Holiday Schedule:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Jackson, to approve the FY2008/9 Holiday Schedule as follows:

2008 July 4, September 1, October 13, November 11, November 27,  
November 28, December 25, December 26

2009 January 1, January 19, February 16, May 25

Employee’s Birthday

Trustee Stabile stated she does not feel that an employee should receive their birthday off with pay. Mayor Berean-Weeks stated the Board verbally assured the employees that there would be no changes from the benefits they received from the Town since the creation of the Village was not their fault. Trustee Crouse agreed adding that the transfer of employees was a function of law and the Board did make a verbal commitment to them.

**ADOPTED** AYES 4 Berean-Weeks, Crouse, Jackson, Kinney  
NOES 1 Stabile

### EXTRA ITEM – Use of Building Request:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Stabile, to approve the use of the building request received by the MW Theatre Boosters (sponsored by Firemen John Jones) on May 30, 2008 from 5PM – 9PM.

**ADOPTED** AYES 5 Berean-Weeks, Crouse, Jackson, Kinney, Stabile

NOES 0

Motion was then offered by Mayor Berean-Weeks, seconded by Trustee Stabile, to approve the use of the building request received by the Girl Scouts for the following dates: September 11, October 9, November 13 and December 11, 2008 and January 8, February 12, March 12, April 23, May 14, and June 11, 2009 from 7PM – 9PM and September 20, 2008 from 9AM – 4PM.

**ADOPTED** AYES 5        Berean-Weeks, Crouse, Jackson, Kinney, Stabile  
NOES 0

EXTRA ITEM – Return of Escrow:

Motion was offered by Trustee Kinney, seconded by Mayor Berean-Weeks, to approve the return of the escrow held for Makan Land Development (D415), as requested by Planning Board Clerk Maria Rubio. All review and consultant fees have been completed.

**ADOPTED** AYES 5        Berean-Weeks, Crouse, Jackson, Kinney, Stabile  
NOES 0

### III. Old Business:

a. Update – Keyfab System:

Trustee Jackson stated he contacted the company and they are suppose to be sending documentation to him. As of today, he has not received it. He hopes to be able to discuss the issue at the next meeting.

b. Update – Thermostat Replacements:

Trustee Crouse stated he received an additional verbal quote for approximately \$1,200 for the purchase of four thermostats and their installation. He would like to receive one more quote before taking action.

c. Discussion – Weingarden Property Purchase Request:

Mayor Berean-Weeks stated the Board has decided to deny the request received from Martin Weingarten to purchase Village property located on Forest Road (215-1-1 and 2), as presented at the April 15, 2008 meeting. Attorney Golden stated no formal action is required by the Board but a letter should be sent to Mr. Weingarten.

### IV. New Business:

a. Equipment Request – Fire Department:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Jackson, to approve Equipment Request Requisition #2008-01 totaling \$7,406.00 for various equipment for Truck 503, 522 and 525.

**ADOPTED** AYES 5        Berean-Weeks, Crouse, Jackson, Kinney, Stabile  
NOES 0

Motion was then offered by Mayor Berean-Weeks, seconded by Trustee Kinney, to approve Equipment Request Requisition #2008-02 totaling \$8,924.84 for the purchase of a Salamander Accountability System from State Bid. Chief Prozzillo explained the purpose of the equipment and its intended use. He added that is he is hoping that

Woodbury will be the administer for all fire departments in District 5 which may cause the County to reimburse the Village for part of the cost.

**ADOPTED** AYES 4 Berean-Weeks, Crouse, Jackson, Kinney  
ABSTAIN 1 Stabile

Trustee Stabile stated she feels that other products should be researched prior to deciding to spend funds.

b. Election to Join Urban Consortium for FY2009 – FY2011:

Motion was offered by Trustee Kinney, seconded by Trustee Jackson, to authorize the Mayor to send a letter to the County and HUD stating that the Village elects to be included in the Urban County Consortium for FY2009-FY2011.

**ADOPTED** AYES 5 Berean-Weeks, Crouse, Jackson, Kinney, Stabile  
NOES 0

**V. Board Member Comments:**

Trustee Kinney stated the website is now working (site address [www.villageofwoodbury.org](http://www.villageofwoodbury.org)) but there are still a few details that need to be worked out.

Trustee Crouse stated the Town Board is holding a public hearing on May 15 for suggestions to be received for projects to be applied for funding through the Community Development program. This hearing was advertised as joint with the Village Board but a majority of the Board members will not be able to attend. Trustee Kinney stated he will try to attend to represent the Village Board.

**VI. Public Comment:**

Leonard Calone asked if an employee has a birthday that falls on a Saturday or Sunday do they receive a different day off as a holiday. Mayor Berean-Weeks stated they would received either Monday or Friday.

Maria Hunter stated she applauds the Board for keeping the benefits the same for the employees as was promised to them when the responsibilities were transferred. She suggested that, if changes want to be made, perhaps they be for new hires. She then thanked the Board for supporting and approving the equipment requests submitted by the Fire Department this evening. She stressed that our volunteers do a lot for our community. Regarding the accountability software, she had attend most of the Fire Commissioners meetings held over the past few years and knows this software has been discussed for some time. She feels it is important to have for the safety of the volunteers.

Richard Manley stated the Draft Comprehensive Plan recommends the adoption of an Open Space and Natural Resource Plan in connection with the Comprehensive Plans adoption. He asked if there will be a public hearing on this plan as well. Trustee Kinney stated the Open Space and Natural Resource Plan is in the appendix of the Draft Comprehensive Plan and the hearing was held already by the Comprehensive Plan Committee.

Jonathan Swiller asked if Woodbury has any working farms in it other than Ace Farms. Mayor Berean-Weeks stated she does not believe so.

Chief Prozzillo asked if all costs for the Fire Departments Installation Dinner will be covered by the Village as budgeted. Mayor Berean-Weeks stated the budget has been adopted and the amount allocated for the dinner can be used for all necessary items except for alcohol.

John Smith stated he made comments at the Town Board worksession last evening with regards to fire department purchases but received answers from Clerk Potvin. He sited a conversation he had with Mayor Berean-Weeks in December 2006 in which she told him the recently purchased truck would be paid for by state aide and that his homeowners insurance premiums would decrease because of the trucks purchase. He has been told otherwise by his insurance carrier. He also asked for a justification for the truck purchase and has not received an answer. He assumed that another truck was being purchased since the agenda only referred to an equipment request and was not specific. He stressed that, as a taxpayer, he would like to know how his money is being spent. Chief Prozzillo stated equipment refers to the tools used by the Fire Department. If a truck was going to be discussed, it would be referred to as an apparatus request. He also stated that he is available to meet with Mr. Smith anytime he has a question about the fire department. Trustee Crouse added that the comments Mr. Smith made at the Town Board worksession should have been addressed to the Village Board since they are the entity responsible for the overseeing of the Fire Department.

**8:50PM - Executive Session:**

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Jackson, to enter into an executive session pursuant to Article 7 of the Public Officers Law to discuss one item relating to employment of specific individuals for the Planning and Zoning Board.

**ADOPTED** AYES 5        Berean-Weeks, Crouse, Jackson, Kinney, Stabile  
                  NOES 0

*There were no minutes of the executive session recorded.*

**VIII. Adjournment:**

With no further comments received or business to discuss, a motion was offered by Trustee Stabile, seconded by Mayor Berean-Weeks, to adjourn the meeting at 9:45PM.

**ADOPTED** AYES 5        Berean-Weeks, Crouse, Jackson, Kinney, Stabile  
                  NOES 0

Desiree Potvin, Village Clerk