

Minutes of the Village Board Meeting held at the HM Firehouse, 455 Route 32, Highland Mills, New York on May 27, 2008 at 7:30PM

Present: Stephanie Berean-Weeks, Mayor
Neil Crouse, Richard Jackson and Joann Stabile, Trustees
Absent: Patrick Kinney, Trustee
Also Present: Richard Golden and Kelly Naughton, Attorneys for the Village; Dennis Lindsay, Engineer for the Village; Stuart Turner, Planner; Gary Thomasberger, Building Inspector; Dominick Prozzillo, Fire Chief; George Sewitt and Maria Hunter, Planning Board; Peter Stabile, Highway Superintendent

I. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Jackson, to accept the minutes of the meeting held May 13, 2008.

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

b. Approval of Abstract:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Jackson, to approve Abstract 21, Vouchers #20071231 - #20071280, totaling \$44,235.78.

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

c. Approval of Budget Modifications:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Crouse, to approve a budget modification to the General Fund totaling \$60,950 as follows:

Increase	A9060.802	Dental	\$167
	A8020.402	Comprehensive Plan	\$20,000
	A8010.454	ZB – Advertising	\$500
	A3410.453	FD – Vehicle Repair	\$5000
	A1910.400	Unallocated Insurance	\$4889
	A1610.407	General – Heat/Air Repair	\$4000
	A1450.401	Elections – Supplies	\$94
	A1420.403	Attorney – ZBA	\$6000
	A1420.401	Attorney – Contract	\$20,000
	A1220.447	Mayor – Cellular Phone	\$300
Decrease	A1010.430	VB – Trans/Travel	\$2500
	A1220.411	Mayor – Office Supplies	\$473
	A1220.430	Mayor – Trans/Travel	\$1000
	A1220.444	Mayor – Schools/Dues	\$1000
	A1320.400	Auditors	\$9030
	A1410.430	VC – Trans/Travel	\$500
	A1410.435	VC – Law Book Supplement	\$19,816
	A1410.436	VC – Website	\$2465
	A1410.444	VC – School/Dues	\$250

A1410.463	VC – Computer Maintenance	\$4005
A1450.100	Election – Personal Service	\$525
A1450.402	Election – Service/Main	\$1000
A1460.411	Records Mngt – Supplies	\$457
A1610.403	General – Payroll Prep	\$1544
A1920.400	Municipal Dues	\$1913
A3410.454	FD – Vehicle Maintenance	\$14,472

ADOPTED AYES 4 Borean-Weeks, Crouse, Jackson, Stabile
NOES 0

Motion was then offered by Mayor Borean-Weeks, seconded by Trustee Crouse, to approve a budget modification to the Water #6 Fund totaling \$100 as follows:

Increase	FA8310.401	Telephone	\$100
Decrease	FA8310.417	Cellular Phone	\$100

ADOPTED AYES 4 Borean-Weeks, Crouse, Jackson, Stabile
NOES 0

Motion was then offered by Trustee Crouse, seconded by Trustee Stabile, to approve a budget modification to the Consolidated Water Fund totaling \$8,494 as follows:

Increase	FC8310.100	Personal Services	\$3000
	FC8310.200	Equipment	\$3394
	FC8310.412	Postage	\$600
	FC8310.442	Lab Testing	\$1500
Decrease	FC9050.800	Unemployment Insurance	\$2448
	FC9060.801	Health/Medical	\$3000
	FC9060.802	Dental	\$3046

ADOPTED AYES 4 Borean-Weeks, Crouse, Jackson, Stabile
NOES 0

Motion was then offered Trustee Stabile, seconded by Trustee Jackson, to approve a budget modification to the Sewer #1 Fund totaling \$3,100 as follows:

Increase	GV8110.200	Equipment	\$100
	GV8110.415	Engineer	\$2000
	GV8110.441	Sludge Removal	\$1000
Decrease	GV9010.800	NYS Retirement	\$3100

ADOPTED AYES 4 Borean-Weeks, Crouse, Jackson, Stabile
NOES 0

Motion was then offered by Trustee Crouse, seconded by Trustee Jackson, to approve a budget modification to the Highland Lake Estates Fund totaling \$1,000 as follows:

Increase	GH8110.442	Lab Testing	\$1000
Decrease	GH1910.100	Unallocated Insurance	\$1000

ADOPTED AYES 4 Borean-Weeks, Crouse, Jackson, Stabile
NOES 0

Motion was then offered by Mayor Borean-Weeks, seconded by Trustee Jackson, to approve a budget modification to the Consolidated Sewer Fund totaling \$27,810 as follows:

Increase	GC8110.100	Personal Services	\$7000
	GC8110.401	Telephone/Alarm	\$800
	GC8110.438	Operations/Maintenance	\$20,000
	GC8110.444	Schools/Dues	\$10

Decrease	GC8110.403	Heating Gas/Oil	\$1264
	GC8110.406	Building Main/Supplies	\$2000
	GC8110.414	Attorney	\$1000
	GC9010.800	State Retirement	\$6300
	GC9040.800	Workers Comp	\$8000
	GC9050.800	Unemployment	\$3000
	GC9060.801	Hospital/Medical	\$3000
	GC9060.802	Dental	\$3046
	GC9089.800	Optical	\$200

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

d. Appointments to Planning/Zoning Board:

Motion was offered by Trustee Jackson, seconded by Trustee Crouse, to re-appoint Thomas Bompensiero to the Planning Board with a term to expire June 1, 2013.

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

Motion was then offered by Trustee Jackson, seconded by Mayor Berean-Weeks, to appoint Sandra Capriglione to the Zoning Board, replacing Donald Siebold, with a term to expire June 1, 2013.

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

e. Approve Return of Escrow:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Stabile, to approve the closing and return of a developers escrow (D315) posted by Gasho of Japan. They have withdrawn their application before the Planning Board.

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

f. Use of Meeting Room Request:

Motion was offered by Trustee Stabile, seconded by Trustee Jackson, to approve the request received from Robert Vite to use the meeting room on July 1, 2008 from 2PM to 10PM to conduct a blood drive.

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

EXTRA ITEM – Fire Department Equipment Requests:

The Board reviewed four equipment requisitions submitted by Chief Prozzillo. It was decided that, in the future, Chief Prozzillo will submit requisitions at least one week in advance so the Board has time to review them prior to the meeting. Each requisition should be itemized showing quantities and totals..

Motion was offered by Trustee Jackson, seconded by Trustee Stabile, to approve Equipment Requisition 2008-03 for the purchase of various equipment for both fire companies totaling \$1,495.

ADOPTED AYES 4 Berean-Weeks, Crouse, Jackson, Stabile

NOES 0

Equipment Requisition 2008-04 contained a request for various equipment for the Rescue Team. Since the requisition was not submitted in an appropriate format (quantities and costs were unclear), the Board requested Chief Prozzillo to conduct further research and resubmit the requisition at the next meeting.

Motion was then offered by Mayor Berean-Weeks, seconded by Trustee Jackson, to approve Equipment Requisition 2008-05 for the purchase of two pieces of equipment for the Central Valley Fire Company totaling \$2,331.

ADOPTED AYES 4 Berean-Weeks, Crouse, Jackson, Stabile

NOES 0

It was noted that two written quotes were received (AAA Emergency Supply \$2,331 and Municipal Emergency Services \$2,658 + shipping) and submitted with the requisition.

Motion was then offered by Trustee Crouse, seconded by Trustee Stabile, to approve Equipment Requisition 2008-06 for the purchase of four pieces of equipment totaling \$420.

ADOPTED AYES 4 Berean-Weeks, Crouse, Jackson, Stabile

NOES 0

EXTRA ITEM – Cleaning of Windows/Screens:

Motion was offered by Trustee Jackson, seconded by Mayor Berean-Weeks, to approve the proposal received from W Clark Co to have all the windows of the firehouse (inside and outside) and all of the screens cleaned at a cost of \$450.

ADOPTED AYES 4 Berean-Weeks, Crouse, Jackson, Stabile

NOES 0

II. Old Business:

a. Authorize Mayor to Sign – Service Agreement:

Motion was offered by Trustee Jackson, seconded by Trustee Stabile, to authorize the Mayor to sign a “Breathing Air Compressor Service Agreement” with Municipal Emergency Services, Inc for the two units (one at each firehouse) at a cost of \$600.00 annually plus \$525.00 for quarterly air testing in-between service to comply with NFPA 1989 regulations (total cost for service for both units annually \$2,250).

ADOPTED AYES 4 Berean-Weeks, Crouse, Jackson, Stabile

NOES 0

b. Update – Keyfab System:

Trustee Jackson stated spoke with the company that the system was originally purchased from and was informed that additional hardware would need to be installed for the three extra units to be added (one on both sides of the inner office door and one for the supply closet). The cost for the hardware is \$2,846 and labor is \$3,360, which he feels is too expensive. He suggested that the company appear before the Board to discuss the issue further.

c. Update – Thermostat Replacement:

Trustee Crouse stated he received three verbal quotes for the purchase and installation of four Honeywell TH811OU1003 thermostats and they were as follows:

Company “A” \$1,873.60 Company “B” \$1,100 Company “C” \$1,028

A motion was then offered by Trustee Crouse, seconded by Mayor Berean-Weeks, to accept the proposal submitted by Voelker Plumbing (Company "C") in the amount of \$1,028.

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

d. Discussion – Revised Public Assembly Local Law:

Trustee Kinney had submitted comments via electronic mail to Attorney Golden but some of them were policy changes that the Board would need to decide on as a whole. The Board members only received this email at 5PM this afternoon. Mayor Berean-Weeks stated she will make the agenda for June 10 limited so the Board can fully discuss this proposed law and possibly schedule a public hearing for June 24, 2008.

e. Discussion – Revised Sign Ordinance:

Planner Turner stressed some concerns that the Planning Board members have regarding the proposed revision to the sign ordinance, as well as some concerns he has. Engineer Lindsay added comments as well. Mayor Berean-Weeks stated the Board will go over the proposed legislation section by section at the June 10 meeting so a public hearing could possibly be held on June 24, 2008.

EXTRA ITEM – Finalization of Codebook Revisions:

Attorney Golden stated he will be submitting to the Board members, Village Clerk, Building Inspector, Planner, Engineer and Water/Sewer Superintendent a copy of a "red-lined" version of the proposed changes from the Town Code to Village Code on compact disc and as a hardcopy. All individuals should review the proposed changes and submit comments as quickly as possible so a hearing can be scheduled and adoption can occur prior to August 28, 2008.

EXTRA ITEM – Adoption of Revised Senior Housing Zoning:

Attorney Golden stated correspondence was received from the County Planning Department recommending approval of the local law but they felt Section 310-36(C)(2) "does not specifically require disabled children to live in the same household or living quarters with their senior parents". A discussion was held and all agreed the law is clear as written and there is no need to amend it. Therefore, a motion as offered by Mayor Berean-Weeks, seconded by Trustee Stabile, to adopt Local Law 5 of 2008 amending Section 310-36 of the Code of the Village of Woodbury entitled "Senior Citizen Housing Developments" as follows:

Section 1 Purpose

The Village Board is cognizant of the challenging familial living arrangements necessitated by parents who have achieved the age of at least 55 years and still need or desire to continue to care for their disabled children within the family household. The present law prohibits such children from residing in a senior citizen housing development household unless they are essential for the physical care or economic support of their 55 year old parent(s). There is presently no exception in the law to permit disabled children to reside in a senior citizen housing development household with an eligible parent in order that the parent may care for their child. This amendment will accommodate such children by permitting them to reside in their parents' home.

Section 2 Amendment

Section 310-36(C)(2)(a) of the Code of the Village of Woodbury is hereby amended as follows:

Existing subsections “[2]” through “[4]” will be renumbered “[3]” through “[5],” and a new subsection “[2]” will be added, to provide for an additional exception to the requirement that the occupancy of a senior citizen housing development is limited to persons who are 55 years of age or older, and such additional exception shall read as follows:

“[2] Any child at least 21 years of age of either (i) a residing parent who is at least 55 years of age or (ii) the residing spouse of someone who is at least 55 years of age, provided such child is considered to have a disability under either the Equal Opportunity for Individuals with Disabilities Act (42 U.S.C. § 12102(2)) or the Fair Housing Act (42 U.S.C. § 3602(h)).”

Section 310-36(C)(2)(a)[4][b] of the Code of the Village of Woodbury is hereby repealed and the following language substituted in its place:

“A certificate of compliance shall be filed for each unit occupied. It shall be the duty of the owner or his/her agent to file a certificate of compliance with the Village Code Enforcement Officer indicating compliance with this section and this chapter, as amended, as to its requirements relating to the number of occupants, the age of the occupants in each dwelling unit and, if relevant, proof of disability, all in such form as reasonably required by the Code Enforcement Officer to ensure compliance with this section and this chapter. The certificate shall be filed for each dwelling unit within 30 days after its initial occupancy. A new certificate shall be filed within 30 days after any change in occupancy.”

Section 3 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 4 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 Jackson	AYES
Trustee Kinney	ABSENT
Trustee Stabile	AYES

III. New Business:

a. Zone Change Request – Woodbury Diner (226-1-5):

Gary Sastow, attorney for the applicant, stated the current zoning for his client’s property is Limited Commercial (LC) which requires one use being a supermarket. This request is to change this classification to eliminate the supermarket requirement. His client would like to

relocate his martial arts studio from Harriman to this location as well as create three other retail spaces. There is a planned addition to the building as part of his request before the Planning Board pending the approved zone change. Attorney Golden explained that the Board is currently working on a Comprehensive Plan, which is approaching its final stages. He suggested the applicant draft broad language to be considered in the plan in relation to permitted uses in the LC district. This recommendation should be then presented to the Village Board when they hold their final hearing on the plan prior to its adoption.

b. Zone Change Request – Olympus Road (209-2-13)

This request was withdrawn by the applicant.

c. Proposal for Service – Outdoor Maintenance:

A proposal was received from Green Acres to mulch the hill in the north-western portion of the parking lot (\$975) and to seal the parking lot (\$3,800). A discussion was held which resulted the following: (a) Mayor Berean-Weeks will contact Supervisor Burke about revising the Inter-Municipal Agreement so the Highway Department can maintain/repair the parking lot when needed; (b) Trustee Stabile offered to rake and lay the mulch if the Town's Buildings/Grounds Department can deliver it. In case the Town does not agree to this amendment, Trustee Stabile will contact Green Acres for an itemized proposal stating the exact work being done, the amount of mulch being used and the cost of the labor associated with the work. Trustee Jackson will contact some companies to obtain quotes for the maintaining/repairing of the parking lot.

EXTRA ITEM – Changes to Sewer Tax Coding:

A discussion was held regarding the current taxing structure for the Consolidated Sewer District. It has been determined that some properties have been coded incorrectly since the current system is quite confusing. The Board agreed that this issue is important to rectify and would like it completed by the end of the summer. It was decided that Engineer Lindsay schedule a meeting between himself, Attorney Golden and Water/Sewer Superintendent McClennan to bring the review of the proposed changes, drafting a local law, and preparing an analysis of the effect to the taxpayers.

IV. Board Member Comments

Trustee Crouse announced some upcoming meetings he will be attending regarding the Moodna Creek Watershed, Transit Development, Affordable Housing and the Citizens Advisory Committee. He then stated correspondence was received from the County regarding planning grants available. Last year, the Villages of Woodbury, Harriman and the Town of Monroe applied for a joint grant that has funded the Transit Development study. He would like to contact the same municipalities to try to apply for additional funding to continue the study. The Board agreed Trustee Crouse should do so. Trustee Crouse then stated that there is a light out on the side of the building facing north. Mayor Berean-Weeks stated she spoke with Orange and Rockland and they stated they would repair the light as a “good will” call. Chief Prozzillo stated Orange and Rockland did replace the lights that were out on the poles in the front of the building but not the one on the side. He added that he spoke with DeGeorge Electric and they stated they could do the repair if the Board wants them too. Trustee Crouse stated he will contact De George Electric to determine the cost.

Attorney Golden stated there is a need to hold an attorney/client privileged session, with Engineer Lindsay, after the meeting. He advised that the Board not close the meeting until after the session because there may be a need to take some action.

V. Public Comment:

Chief Prozzillo suggested the Board consider having the rooms in the building painted as they appear to be damaged and worn. The Board of Fire Commissioner had decided to have this done every three to five years, depending on their condition. He also suggested that all entities that use the Firehouse, including the firemembers, be required to pay a fee that can be used to offset the cost of the maintenance of the it. He added that the floors are due to be waxed, which was being done annually. Mayor Berean-Weeks stated she will work with Chief Prozzillo to obtain quotes for the Boards consideration.

Maria Hunter stated she is concerned about the way the Board is possibly violating the bidding process. She feels that specifications should be printed for all items/work requesting proposals for so that it is clear what the Board wants exactly. She also feels that the Board is conducting business inappropriately by obtaining verbal quotes with no written documentation required. Attorney Golden stated the Procurement Policy adopted by the Board provides for verbal quotes to be solicited but it should be stated the companies that the quotes were received from. Mrs. Hunter then asked why, during a recent water main break, a non-employee was operating a piece of Town owned highway equipment. Trustee Stabile stated that was not the case. Superintendent Stabile stated he loaned his equipment to the Water/Sewer Department and was not aware that a non-employee was operating it. Mrs. Hunter stated the Inter-Municipal agreement provides that, when needed, the Highway Department will assist the Water/Sewer Department so she does not understand why an outside contractor was hired. Mayor Berean-Weeks stated she was told by Supervisor Burke that “what needed to be done was done”. Mrs. Hunter, as a Planning Board member, requested that the Planning Board receive copies of the proposed Sign Ordinance and Public Assembly Law so they can submit comments as well.

10:05PM - Attorney/Client Session with Engineer:

At this time, the Board took a recess to meet with Attorney Golden and Engineer Lindsay.

VI. Adjournment:

With no further business to conduct or comments received, a motion was offered by Trustee Jackson, seconded by Trustee Stabile, to adjourn the meeting at 10:15PM.

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

Desiree Potvin, Village Clerk