

Minutes of the Village Board meeting held at 455 Route 32, Highland Mills, New York on January 8, 2008 at 7:30PM

Present: Stephanie Berean-Weeks, Mayor

Neil Crouse, Patrick Kinney and Joanne Stabile, Trustee

Absent: Michael Kling, Trustee

Also Present: Kelly Naughton, Attorney for the Village; Peter Stabile, Highway Superintendent; William McClennan, Water/Sewer Superintendent; Stuart Turner, Planner; Dennis Lindsay, Engineer; Richard Cataggio, Zoning Board; George Sewitt and Maria Hunter, Planning Board

I. Public Hearing:

a. Cold War Veterans Exemption:

A public hearing was held to entertain public comment on Introductory Local Law 5 of 2007 amending Chapter 277 of the Code of the Village of Woodbury entitled "Taxation" to provide for the addition of Article VI "Cold War Veterans Exemption". The notice was printed in the Times Herald Record on January 1, 2008 and the following comments were received:

Trustee Crouse stated he feels that adding another exemption could cause the burden of the tax levy to be imposed onto the rest of the tax paying public. Trustee Kinney asked if an assessment has been conducted to determine what the impact of the exemption would be. Clerk Potvin stated it would be impossible to know how many individuals would be applying for the exemption to determine the impact. She added the Board should have discussed these issues prior to scheduling a public hearing if they had concerns.

Jonathan Swiller urged the Board to consider adopting the proposed law.

Mark O'Brien stated he feels the veterans deserves a tax break more than any other group.

Theodore Jones stated he supports the law as well and feels that everyone enjoys the freedom they have due to the veterans that have fought for it on our behalf.

Bruce Stock stated he is aware that surrounding communities have already adopted a law for this exemption and urged the Board to do so as well.

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

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

NOES 0

Motion was then offered by Mayor Berean-Weeks, seconded by Trustee Stabile, to adopt Local Law 1 of 2008 as follows:

A LOCAL LAW AMENDING CHAPTER 277 OF THE CODE OF THE VILLAGE OF WOODBURY ENTITLED "TAXATION" PROVIDING FOR ARTICLE VI ENTITLED "COLD WAR VETERANS EXEMPTION".

Section 1 BE IT ENACTED by the Village Board of the Village of Woodbury, Orange County, New York as follows:

Article VI - Cold War Veterans Exemption

§ 277-17 Findings

The New York State Legislature enacted a new section of the Real Property Tax Law, § 458-b, which permits local governing boards to adopt a local law granting Cold War veteran residential property owners an exemption from taxation. The Village of Woodbury Board of Trustees has determined that such a local law would be in the best interest of the Cold War veterans residing in the Village. The enabling legislation enacted by the State Legislature requires that localities must adopt a local law in order to afford those veterans such exemption.

§ 277-18 Definitions

As used in this article, the following terms shall have the meanings indicated:

ACTIVE DUTY -- A full-time duty in the United States armed forces, other than active duty for training.

ARMED FORCES -- The United States Army, Navy, Marine Corps, Air Force, and Coast Guard.

COLD WAR VETERAN -- A person, male or female, who served on active duty for a period of more than three hundred sixty five days in the United States armed forces, during the time period from September 2, 1945 to December 26, 1991, was discharged or released therefrom under honorable conditions, and has been awarded the Cold War recognition certificate as authorized under Public Law 105-85, the 1998 National Defense Authorization Act.

LATEST CLASS RATION -- The latest final class ratio established by the State Board pursuant to Title I of Article XII of New York Real Property Tax Law for use in a special assessing unit as defined in Real Property Law § 181.

LATEST STATE EQUALIZATION RATE -- The latest final equalization rate established by the State Board pursuant to Article XII of the New York Real Property Tax Law.

QUALIFIED OWNER -- A Cold War veteran, the spouse of a Cold War veteran, or the un-remarried surviving spouse of a deceased Cold War veteran. Where the property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the un-remarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

QUALIFIED RESIDENTIAL REAL PROPERTY -- Property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of a Cold War veteran, unless the Cold War veteran or un-remarried surviving spouse is

absent from the property due to medical reasons or institutionalization for up to five years.

SERVICE CONNECTED -- With respect to disability or death, that such disability was incurred or aggravated, in line of duty on active military, naval or air service.

§277-19 Authority; Exemptions

A. The Board of Trustees of the Village of Woodbury hereby elects, pursuant to § 458-b of the Real Property Tax Law, to grant the following exemption to Cold War veterans: 15% of the assessed value of the property, to the extent that it does not exceed \$12,000.00 or the product of \$12,000.00 multiplied by the latest state equalization rate of the assessing unit, or in the case of a special assessing unit, the latest class ratio.

B. In addition to the exemption provided in subdivision (A) above, where a Cold War veteran has received a compensation rating from the United States Veterans Affairs or Department of Defense because of a service connected with disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of the property multiplied by 50% of the Cold War veteran disability rating, to the extent that it does not exceed \$40,000, or the product of \$40,000.00 multiplied by the latest state equalization rate of the assessing unit, or in the case of a special assessing unit, the latest class ratio.

§ 277-20 Limitations

A. This exemption from taxation is applicable to Village taxes, but not to those taxes levied for school purposes.

B. If a Cold War veteran receives an exemption under §458 or §458-a of the New York Real Property Tax Law, such veteran shall not be eligible to receive this exemption.

C. The exemption provided for in §277-19(A) shall be granted for a period of ten years. Such ten years shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this Article where a qualified owner owns qualifying residential real property on the effective date of this Article. Where a qualified owner does not own qualifying real property on the effective date of this Article, the ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least 60 days after the date of purchase of the qualified real property, provided that the veteran applies for and is granted an exemption on such assessment roll. If the property is sold or replaced with other residential real property, the exemption may be granted for the unexpired portion of the remaining ten year period.

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	AYES
Trustee Kling	ABSENT
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 December 11, 2007.

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

b. Approval of Abstract:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Crouse, to approve Abstract 12, Vouchers #20070528 - #20070614, totaling \$180,338.88.

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

c. Acknowledge Increase in Mileage Reimbursement Rate:

Motion was offered by Trustee Crouse, seconded by Trustee Kinney, to acknowledge the Internal Revenue Services 2008 optional standard mileage rate as \$0.505 cents per mile for the use of a personal vehicle while on Village duty.

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

d. Approval of Budget Modification:

Motion was offered by Trustee Kinney, seconded by Mayor Berean-Weeks, to approve a budget modification to the General Fund by decreasing A510 Estimated Revenues (A2115 Planning Board Fees) by \$9,000 and increasing A510 Estimated Revenues (A1062 Town Payment to Reduce Tax Levy) by \$9,000.

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

e. Authorize Supervisor to Sign - Clough Harbour Consulting Agreement:

Attorney Naughton stated that Attorney Golden does not want the Mayor to sign the agreement at this time until he finishes reviewing it. There are currently amendments he would like to make, and then the Mayor can sign it. A motion was then offered by Trustee Stabile, seconded by Trustee Kinney, to enter into a contract with Clough Harbour and Associates for site inspection services (at a rate stated in their proposal dated December 19, 2007) written subject to the approval of Attorney Golden.

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

III. Old Business:

a. Discussion - Legacy Ridge FEIS:

A lengthy discussion was held in which Planner Turner and Engineer Lindsay gave updates that were made to the FEIS since the hearing held on December 11, 2007. The written comments that were received prior to the December 21, 2007 deadline were addressed by the applicant. Some Board members asked further questions of the consultants to obtain a better understanding of some sections in the FEIS (i.e., drainage, salt run-off, stormwater control). A motion was offered by Mayor Berean-Weeks, seconded by Trustee Kinney, to adopt the Legacy Ridge Final Environmental Impact Statement as complete subject to the modifications discussed this evening and a complete final copy being filed with the Village Clerk.

ADOPTED AYES 3 Berean-Weeks, Kinney, Stabile
 NOES 1 Crouse

Trustee Crouse stated he has not had enough time to review all the documents/comments received.

b. Update - Saratoga Associates Contract:

Mayor Berean-Weeks stated this item will be tabled at this time. She noted that after the meeting the Board will meet with Attorney Naughton and Planning Board Chairman Sewitt to seek legal advise regarding the contract.

c. Increase Building Permit Fees:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Kinney, to amend Section 143-3(B)(1)(b) of the Village Code by increasing the cost of construction fees to \$100 per square feet of living area.

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

IV. New Business:

a. Authorize Mayor to Sign - Mutual Aide Agreement:

Motion was offered by Trustee Stabile, seconded by Trustee Crouse, to authorize the Mayor to sign the "Mutual Aide and Assistance Agreement" with Orange County to provide for the sharing of resources, personnel and equipment. The agreement is for a five-year term with provisions to renew it for another five years.

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

b. Creation of Policy - Use of Village Vehicles:

Mayor Berean-Weeks stated a draft employee manual was prepared in August by Clerk Potvin and Section 507 of it pertains to a vehicle usage policy. It was decided that this item would be tabled and the employee manual will be reviewed at the next meeting.

EXTRA ITEM - Use of Building Requests:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Stabile, to approve the use of the meeting room by Highland Mills Fire Company on February 3 from 6AM - 2PM.

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

NOES 0

Motion was then offered by Trustee Stabile, seconded by Trustee Crouse, to approve the use of the meeting room by Highland Mills Fire Company every Monday of each month from 6PM - 10PM for drills, the first Wednesday of each month from 6PM - 10PM for a company meeting, December 20 from 7AM to Midnight and December 21 from 8AM - Noon for a company/kids holiday party.

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

Motion was then offered by Mayor Berean-Weeks, seconded by Trustee Stabile, to approve the use of the meeting room by Robert Clerico, member of the Highland Mills Fire Company, on February 16, 2008 for the entire day.

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

EXTRA ITEM - Liquor License Renewal Notification:

Clerk Potvin stated she received notification on January 3, 2008 from Posa Posa Too (located in the Woodbury Common) of their intention to renew their liquor license. She will forward a copy of the letter to the Police Department for comment.

EXTRA ITEM - Repairs to Building:

Motion was offered by Trustee Crouse, seconded by Trustee Stabile, to authorize the expenditure of \$1,135.31 to A-Star to repair a water leak from a pipe on the rooftop unit. The parts and labor are guaranteed by A-Star for one full year.

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

EXTRA ITEM - Water/Sewer Department Issues:

a. Cleaning of Building - Trustee Crouse stated that, pursuant to the Inter-Municipal Agreement, the Towns Buildings and Grounds Department should continue to clean the building.

b. Petty Cash:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Crouse, to establish a petty cash fund for the Water Department in the amount of \$100.

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

Motion was then offered by Mayor Berean-Weeks, seconded by Trustee Stabile, to establish a petty cash fund for the Sewer Department in the amount of \$100.

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

c. Credit Card:

Motion was offered by Mayor Berean-Weeks, seconded by Trustee Stabile, to authorize the Village Clerk to contact the credit card company used by the Village and obtain a card for Superintendent McClennan with a spending limit not to exceed \$1,000.

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

