

Minutes of the Town Board Worksession held at Town Hall, 511 Route 32, Highland Mills, New York on February 2, 2009 at 7:30PM

Present: John Burke, Supervisor  
Geraldine Gianzero, Councilwoman  
Amidee Haviland and Michael Queenan, Councilmen  
Absent: Carlton Levine, Councilman  
Also Present: Richard Liberth, Attorney for the Town; Peter Stabile, Highway Superintendent; Robert Kwiatkowski, Police Chief; Maria Hunter, Village Board

**1. Discussion – Request to be removed from Refuse District – 6 Sunny Lane:**

Supervisor Burke stated a request was received from Henry/Ita Teitelbaum (6 Sunny Lane) to be removed from the Refuse District since they are seasonal residents (only use the property in July and August). Councilman Queenan stated he is in favor of the request but has concerns about the property converting to full-time use the future. Supervisor Burke stated when the Village Building Inspector issues the certificate of occupancy for the conversion, the Assessor's office would receive notification and the property would be transferred back into the district. A motion was then offered by Councilwoman Gianzero, seconded Supervisor Burke, to remove property known as Section 217, Block 1, Lot 8 from the refuse district effective January 1, 2009. Once proof that the property taxes are paid is received, a refund will be issued.

**ADOPTED** AYES 4 Burke, Gianzero, Haviland, Queenan  
NOES 0

**2. Discussion – General Municipal Law Compliance Resolution:**

Supervisor Burke stated Councilman Queenan and he has attended meetings with other municipalities to discuss compliance with General Municipal Law Section 239 (l)(m) and (n). A resolution was drafted for all Towns, Cities and Villages to consider adopting that would urge all municipalities to be stay in compliance with the law. Councilman Queenan stated the resolution is requesting the County to enforce the law as well if compliance is not being followed by a municipality. Councilwoman Gianzero asked what actions would be made by the County as enforcement. Supervisor Burke stated he believes they would require the project be stopped and restarted from the beginning, possibly requiring structures that may have been erected to be torn down. Councilman Queenan added that if the law is not followed and enforced for all municipalities, the State redact it. Supervisor Burke also added that if the enforcement is not being done, the County should abolish its Planning Department. A motion was then offered by Supervisor Burke, seconded by Councilman Haviland, to adopt the following resolution to memorialize the policy of the Legislature of the County of Orange in support of compliance with and enforcement of the provisions of General Municipal Law Section 239 (l)(m) and (n) and related laws and rules:

**WHEREAS**, the laws of the State of New York, including General Municipal Law Sections 239-l, 239-m and 239-n, provide that certain land use applications must be referred to and reviewed by the Orange County Planning Department prior to final determination by local boards; and

**WHEREAS**, as defined by such law, such applications included proposed uses of land within 500 feet of an adjacent municipality, parkland, county and state roads or highways, streams and drainage facilities, agricultural lands and other properties likely to be affected by such proposed use and vested with interests intended to be protected by the Orange County Planning Department review mandated by said laws; and

**WHEREAS**, the failure of the officials of local land use planning and municipal bodies to comply with the provisions of the General Municipal Law result in the inability of the Orange County Planning

Department to review such applications or provide guidance and advise and expose such adjacent lands to significant negative impacts; and

**WHEREAS**, in cases where Orange County officials with authority over the subject are aware of the failure of local officials to comply with such procedures as required by state laws, it is incumbent upon them to notify such local officials of same and to take all such actions as are appropriate and necessary to bring such local bodies into compliance with the law.

**NOW, THEREFORE, BE IT**

**RESOLVED** by the Town Board of the Town of Woodbury to memorialize the policy of the County of Orange and declares its position in support of the policies and procedures set forth in General Municipal Law Section 239(l)(m) and (n), same as being necessary to protect the interests of all citizens of Orange County in promoting proper land uses and planning practices and to prevent negative environment impacts upon adjoining properties; and be it further

**RESOLVED** that the Town Board does hereby call upon all local and county officials and board members to take all actions and adopt such measures as will ensure compliance with the General Municipal Law and other laws, rules and regulations so as to secure the exercise of the powers and duties of the Orange County Planning Department in providing its oversight, review and advice with respect to such proposed land uses and protect the public interest as intended and provided by law.

**ADOPTED**      AYES    4            Burke, Gianzero, Haviland, Queenan  
                     NOES    0

**3. Announce Completion of Annual Accounting:**

Supervisor Burke announced that the Annual Accounting, as required pursuant to Section 62 of Town Law, was completed on January 29, 2009.

**4. Receipt of Draft 2006 Audit:**

Supervisor Burke stated a draft of the audit of the records for 2006 was received. A final copy should be filed within the next two weeks. Councilman Haviland stated he believes the final version will contain a summary page consisting of an abstract of the findings. Supervisor Burke noted that at the next meeting he will be asking for a motion to authorize the Town Clerk to advertise for proposals for an audit for the 2007 records.

**5. Possible Update – CV Pond Phase III Improvements Bonding:**

Clerk Potvin stated she spoke with Robert Smith, bond counsel, and has been informed a public hearing is not necessary prior to the adoption of the bond resolution to borrow funds for the Phase III Improvements to the Central Valley Pond. Supervisor Burke stated the Board will continue to inform the public of all information that comes available regarding these improvements. Councilman Haviland asked if the Parks Commission still had concerns about the proposed work. Supervisor Burke stated he is meeting with them this week but he believes they are in favor of the project, as long as it is not rushed.

**EXTRA ITEM – February 16 Worksession:**

Supervisor Burke stated he plans on cancelling the February 16 worksession but, if issues arise, he would like the Board to be available on February 17 if needed.

**8:05PM – Executive Session:**

Motion was offered by Councilman Queenan, seconded by Councilwoman Gianzero, to enter into an executive session pursuant to Article 7 of the Public Officers Law to discuss one item relating to a tax certiorari litigation (Kazanjian 248-1-29.2).

**ADOPTED**      AYES    4            Burke, Gianzero, Haviland, Queenan

NOES 0

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

Motion was offered by Supervisor Burke, seconded by Councilman Queenan, to authorize Attorney Liberth to engage the services of an appraiser for the property located at Section 248, Block 1, Lot 29.2.

**ADOPTED**      AYES    4            Burke, Gianzero, Haviland, Queenan  
                     NOES    0

**Adjournment:**

With no further business to discuss, a motion was offered by Councilman Queenan, seconded by Councilman Haviland, to adjourn the meeting at 8:25PM.

**ADOPTED**      AYES    4            Burke, Gianzero, Haviland, Queenan  
                     NOES    0

Desiree Potvin, Town Clerk