

Minutes of the Village Board Meeting held at the Highland Mills Firehouse, 455 Route 32, Highland Mills, New York on April 14, 2009 at 7:30PM

Present: Michael Queenan, Mayor
Timothy Egan, Thomas Flood and Richard Jackson, Trustees
Absent: Neil Crouse, Trustee
Also Present: Richard Golden and Kelly Naughton, Attorneys for the Village; Dennis Lindsay, Engineer for the Village; William McClennan, Water/Sewer Superintendent; Gary Thomasberger, Building Inspector; Dominick Prozzillo, Fire Chief; John Jones, First Assistant Fire Chief; Richard Cataggio and Sandra Capriglione, Zoning Board; George Sewitt, Maria Hunter, Lorraine McNeill and Sheila Conroy, Planning Board; John Burke, Town Supervisor; Geraldine Gianzero, Town Councilwoman; Peter Stabile, Highway Superintendent

I. Administration of Oath of Office

The Oath of Office was administered by Clerk Potvin to Mayor Queenan and Trustees Egan and Flood.

II. Public Hearing:

a. FY2009/2010 Preliminary Budget:

A public hearing was held to entertain public comments on the FY2009/2010 preliminary budget. The notice was printed in the Times Herald Record on April 3, 2009 and no comments were received.

Motion was offered by Trustee Jackson, seconded by Trustee Flood, to close the public hearing.

ADOPTED AYES 4 Queenan, Egan, Flood, Jackson
NOES 0

Motion was then offered by Trustee Jackson, seconded by Trustee Egan, to adopt the FY2009/2010 budget as printed on pages 45 - 55 of this minute book.

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Queenan	AYES
Trustee Crouse	ABSENT
Trustee Egan	AYES
Trustee Flood	AYES
Trustee Jackson	AYES

III. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Jackson, seconded by Trustee Flood, to accept the minutes of the meeting held March 24, 2009.

ADOPTED AYES 4 Queenan, Egan, Flood, Jackson
NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Jackson, seconded by Trustee Egan, to approve Abstract 20, Vouchers #20081412 - #20081486, totaling \$190,438.82.

ADOPTED AYES 4 Queenan, Egan, Flood, Jackson
NOES 0

c. Use of Building Request:

Motion was offered by Trustee Jackson, seconded by Trustee Flood, to approve the request received from the Boy Scouts to use the building on May 31, 2009 from Noon until 3PM for an Eagle Scout Ceremony.

ADOPTED AYES 4 Queenan, Egan, Flood, Jackson
NOES 0

d. FD Equipment Requisition 2009-03:

Motion was offered by Trustee Jackson, seconded by Trustee Egan, to approve Fire Department Equipment Requisition 2009-03 for the purchase of a 14' or 16' trailer at a cost to not exceed \$3,106.

ADOPTED AYES 4 Queenan, Egan, Flood, Jackson
NOES 0

e. Acceptance of Slate of Officers – Fire Department:

f. Administration of Oath of Office – Fire Department:

Mayor Queenan stated this item will be tabled until the next meeting.

g. Acceptance of Resignation – ZBA Member:

Motion was offered by Trustee Jackson, seconded by Trustee Flood, to accept the resignation of Timothy Egan from the Zoning Board effective April 7, 2009.

ADOPTED AYES 4 Queenan, Egan, Flood, Jackson
NOES 0

EXTRA ITEM – Change of Meeting Date/Location:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to change the April 28 meeting to April 30, 2009. Mayor Queenan noted that regular meetings will remain the second and fourth Tuesday of each month.

ADOPTED AYES 4 Queenan, Egan, Flood, Jackson
NOES 0

Motion was then offered by Trustee Egan, seconded by Trustee Flood, to move all regular meetings of the Village Board to the Town Hall beginning with the April 30 meeting. Mayor Queenan stated the reason for this change in location is so the meetings can be videotaped and broadcast on Channel 22.

ADOPTED AYES 4 Queenan, Egan, Flood, Jackson
NOES 0

IV. Old Business:

a. Discussion/Update – Sprinkler System Maintenance:

Clerk Potvin stated a proposal was received from SimplexGrinnell for the maintenance of the sprinkler/alarm system. The proposal is from the State bid contract #PT63104, Group #77201. Attorney Golden stated he has some concerns about the contract they want the Village to sign, which he feels would put the Village at a disadvantage. He also feels there are some contradictions in the contract. A motion was offered by Trustee Egan, seconded by Trustee Flood, to approve the proposal received from SimplexGrinnell for the maintenance of the sprinkler/alarm system and for the Mayor to sign a contract once negotiated by Attorney Golden with SimplexGrinnell for this service.

ADOPTED AYES 4 Queenan, Egan, Flood, Jackson
NOES 0

b. Update – VFIS/LOSAP Program Amendment:

Attorney Golden stated the letter that was received from VFIS explains that they have begun using a new insurance carrier (Combined Insurance Company of America/New York rather than AIG/AI Life). As part of the transition, they are requesting the Mayor to sign a “Disbursal and Withdrawal Authorization” form regarding the annuities that are held by the carrier. A motion was offered by Trustee Egan, seconded by Trustee Jackson, to authorize the Mayor to sign the “Disbursal and Withdrawal Authorization” with VFIS for the LOSAP program.

ADOPTED AYES 4 Queenan, Egan, Flood, Jackson
NOES 0

c. Liquor License Application Notification:

Clerk Potvin stated she received notification from 559 Route 32 Restaurant Corp on March 25 of their intention to apply for a liquor license and from Valley Golf Corp on April 14 of their intention to renew their two liquor licenses. Correspondence has been received from Chief Kwiatkowski stating the Police Department has no objection to these applications. Clerk Potvin will send a letter to the NYS Liquor Authority stating the Village has no objections to these applications.

d. Discussion – Proposed Amendments to PB Fees:

The Board reviewed the information prepared by Inspector Thomasberger regarding his request to increase the amount that is collected initially to be held in escrow for applications before the Planning Board. Inspector Thomasberger stressed there is no cost to the taxpayer for this increase as it is paid entirely by the applicant. Planning Board Chairman Sewitt stated he agrees with the proposal to increase the fees. Attorney Golden suggested adding a clause that would aide in the enforcement by empowering the Planning Board to disapprove an application if the escrow is not replenished to pay the fees incurred. Motion was offered by Trustee Egan, seconded by Trustee Jackson, to schedule a public hearing to be held on April 30, 2009 at 7:30PM to entertain public comments on an amendment to Chapter 143 of the Village Code entitled “Fees”.

ADOPTED AYES 4 Queenan, Egan, Flood, Jackson
NOES 0

V. New Business:

a. Home Rule Legislation – Special/Improvement Districts:

Correspondence was received from Assemblywoman Calhoun regarding Assembly Bill A.2016 that would permit the continued existence and operation of the Woodbury Fire District. A resolution was also prepared for Assembly Bill A.2698 that would permit the continued existence and operation of all special and improvements districts to stay with the Town, regardless of the incorporation of the Village. Mayor Queenan stated the Fire Department has indicated that they would like to remain under the control of the Village rather than form a District again. He will speak to the Chief to confirm. Attorney Golden stated the resolution that was provided regarding the special and improvements districts would need to be reworded since it is written as if they were still controlled by the Town and that is not the case. Mayor Queenan requested Attorney Golden to amend the resolution for the next meeting.

b. Acceptance of Bids – Woodland Drive Improvements:

Clerk Potvin stated the notice advertising for bids was printed in the Times Herald Record on March 6, 2009 and the bid opening was held on March 26, 2009. The following bids were received:

Nannini & Callahan Excavating, Cornwall, NY	\$432,875.20
Stacey Contracting, Clifton, NJ	\$479,654.90
CA Phillips Construction, Eldred, NY	\$497,965.00
Gardiner Excavating, Gardiner, NY	\$551,140.00
Montana Construction, Lodi, NJ	\$576,090.00
CalMart Enterprises, Congers, NY	\$578,875.00
Raines & Welsh & Sons, Thiells, NY	\$587,547.00
Boyce Excavating, Middletown, NY	\$646,200.00
Ruckel's, Congers, NY	\$741,600.00
Sun-Up Enterprises, Wappinger Falls, NY	\$845,317.50
SITA Construction, Goshen, NY	\$864,350.00
H Osterhoudt Excavating, Ellenville, NY	\$22,079,940.00
Schenley Construction, Hewitt, NJ	Non-Responsive
Victor P Zugibe, Garnerville, NY	Non-Responsive

Engineer Lindsay explained the two non-responsive bidders did not following the specifications correctly so their bids are to be considered voided. He added that two bidders had incorrect arithmetic, which the law permits him to correct. The low bidder is 38% lower than what the estimated project cost was. Motion was offered by Trustee Jackson, seconded by Trustee Egan, to accept the bid received from Nannini & Callahan Excavating for the Woodland Drive Watermain Improvements project in the amount of \$432,875.20.

ADOPTED AYES 4 Queenan, Egan, Flood, Jackson
NOES 0

c. Discussion – Easements for Smith Clove Road Curb/Sidewalk Improvements:

Engineer Lindsay stated the Town was awarded a Community Development Grant in 2003 for curb and sidewalk construction on Smith Clove Road, which is a County road. One requirement by the County was to obtain an easement from the property owner (Section 231, Block 2, Lot 5) for the catch basin and storm drain adjacent to their property. Attorney Golden stated, at this point, an offer of dedication and easement needs to be prepared for the property owner, accepted by the Village and then filed with the County. Motion was offered by Trustee Egan, seconded by Trustee Jackson, to authorize Attorney Golden to prepare all necessary documents on this issue.

ADOPTED AYES 4 Queenan, Egan, Flood, Jackson
NOES 0

EXTRA ITEM – Schedule Public Hearing – FY2010 OCCD:

Motion was offered by Trustee Egan, seconded by Trustee Jackson, to schedule a public hearing to be held on April 30, 2009 at 7:30PM to enter public suggestions on projects to be applied for funding through the Orange County Community Development program.

ADOPTED AYES 4 Queenan, Egan, Flood, Jackson
NOES 0

VI. Board Member/Department Comments:

There were no comments made by Board members or Departments.

VII. Public Comment:

Sandra Capriglione asked for a status update on the plans to make the Village and Town coterminous. Mayor Queenan stated he just assumed office so the process has not begun yet. Mrs. Capriglione asked why the Board is entertaining the idea of transferring the water/sewer departments back to the Town if they plan to make both entities one. Mayor Queenan stated he believes the department would be run correctly with the Town and that it is a good place to start. Mrs. Capriglione asked if there is a problem with the way it is being handled currently and, if not, she does not understand why they would be transferred back to the Town. Mayor Queenan stated the public was unaware that, when the Village was formed, certain department would be transferred to the Villages control. Mrs. Capriglione asked what would the status of the current employees be and Mayor Queenan stated they would also transfer to the Town like they transferred to the Village in January 2008. Mrs. Capriglione then asked when Mayor Queenan would be resigning from his position as Town Councilman and Mayor Queenan stated he submitted a letter with the date of April 30, 2009.

Supervisor Burke expressed his congratulations to the newly elected Board members and stated he looks forward to the continued outstanding relationship the Town and Village Board have been experiencing. He believes both entities will continue to do what is in the best interests of the residents and taxpayers.

VIII. Adjournment:

With no further comments received or business to discuss, a motion was offered by Trustee Jackson, seconded by Trustee Egan, to adjourn the meeting at 8:45PM.

ADOPTED AYES 4 Queenan, Egan, Flood, Jackson
NOES 0

Desiree Potvin, Village Clerk