

Minutes of the Village Board Meeting held at Town Hall, 511 Route 32, Highland Mills, New York on January 12, 2010 at 7:30PM

Present: Michael Queenan, Mayor
Neil Crouse, Timothy Egan, Thomas Flood and Richard Jackson, Trustees
Absent: None
Also Present: Richard Golden and Kelly Naughton; Attorneys for the Village; Dennis Lindsay, Engineer for the Village; Stuart Turner, Village Planner; John Jones and Pat Prozzillo, Fire Chiefs; Maria Hunter, Planning Board; James Skoufis, Town Council

I. Public Hearing:

a. Harvesting - Arden Properties:

A public hearing was held to entertain public comment on the application of Arden Properties, Inc., for a special permit pursuant to Chapter 286 of the Village Code to conduct a commercial harvesting operation on their property located north and west of Forest Lake. A timber harvesting report has been prepared by DT Mance & Associates, Inc. concerning this application. The public notice was printed in the Times Herald Record on January 1, 2010 and the following comments were received:

David Mance informed the Board that this operation will be conducted in the same manner as it has been over the past several years.

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

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

Motion was then offered by Trustee Jackson, seconded by Trustee Egan, to declare the Village of Woodbury Board of Trustees as Lead Agency for the SEQRA process on the abovementioned application.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

Motion was then offered by Trustee Jackson, seconded by Trustee Crouse, to declare this application as being an unlisted action.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

Motion was then offered by Trustee Jackson, seconded by Trustee Egan, to declare this application as having a negative declaration on the environment.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

Motion was then offered by Trustee Crouse, seconded by Trustee Egan, to authorize the Village Clerk to prepare and the Mayor to sign a special permit on the application of DT Mance & Associates, Registered Forester, for the Arden Properties, Inc., owner of property, for commercial harvesting.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

b. Proposed Road Easement - Turner Road:

A public hearing was held concerning the offer of a road easement on Turner Road for Village highway purposes, including the right to construct, erect, reconstruct, replace, relocate, operate, maintain, repair and replace all improvements necessary to establish and maintain a highway. The public notice was printed in the Times Herald Record on January 2, 2010 and the following comments were received:

Attorney Golden stated the easement would benefit the Village so that it can carry out its work. Engineer Lindsay agreed.

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

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

Motion was then offered by Trustee Crouse, seconded by Trustee Egan, to adopt the following resolution:

WHEREAS, Prestige Real Estate, LLC (hereinafter "Owner") is the owner of property adjacent to the land known and designated as Turner Road, as described in Schedule "A" attached to this Resolution, and which lands are situate within the boundaries of the Village of Woodbury, and

WHEREAS, the Owner desires to convey to the Village of Woodbury an easement to that portion of the property adjacent to Turner Road located within the Village boundaries, pursuant to the provisions of Article 6 of the New York State Village Law, and

WHEREAS, the Town Highway Superintendent and Village Engineer have recommended acceptance of said parcel of land for highway purposes, including the right to construct, erect, reconstruct, replace, relocate, operate, maintain, repair and replace all improvements necessary to establish and maintain a highway and appurtenant highway improvements, under, over, through and upon the property described in Schedule "A", and

WHEREAS, the Board of Trustees of the Village of Woodbury desires to accept the dedication of this easement in consideration of the transportation needs and demands of the Village, and finding that it is in the best interest its residents,

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Woodbury that upon the satisfaction of the condition noted below, the Board of Trustees agrees to accept the easement over the Owner's property, adjacent to Turner Road, as set forth in Schedule "A", authorizes the Mayor to execute any and all documentation necessary to accept such offer of dedication, and directs the Village Clerk to record the Easement Agreement in the Orange County Clerk's Office.

This acceptance includes the granting of a sanitary sewer easement for the purposes of accessing, constructing, inspecting, repairing, replacing, using, maintaining and improving sanitary sewer facilities, more particularly described in Schedule "B" attached.

CONDITION:

- 1 Notification that a title insurance policy for the parcel has been issued to the satisfaction of the Village Attorney. The title shall be unencumbered by taxes, liens or mortgages at the time of closing. (This includes providing the outstanding documents required and listed in the title report, completing the ALTA request form, and removing all outstanding mortgages from the title.)

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Jackson, seconded by Trustee Flood, to accept the minutes of the regular meeting held December 29, 2009.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

b. Approval of Abstract:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to approve Abstract 15, Vouchers #20091006 - #20091076, totaling \$572,379.37.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

c. Budget Modification:

Motion was offered by Trustee Jackson, seconded by Trustee Egan, to approve a modification to the following budgets to correct over expenditures that were determined when compiling the month-end accounting for December 2009:

General Fund:

Increase	A1440.401	Engineer – Contractual	\$10,000
	A8020.402	Comprehensive Plan	\$20,000
	A909	Appropriate Fund Balance	\$30,000

Consolidated Water

Increase	FC8310.413	Labor Attorney	\$2000
	FC9010.800	NYS Retirement	\$3629
Decrease	FC8310.411	Equipment – Contractual	\$5629

Highland Lake Estates Water

Increase	FH8310.438	Operations/Maintenance	\$500
	FH8310.481	State Mandated Reports	\$102
Decrease	FH830.413	Labor Attorney	\$602

Consolidated Sewer

Increase	GC8110.410	Bonding – Legal	\$2421
	GC8110.413	Labor Attorney	\$2000
	GC8110.414	Attorney	\$500
	GC8110.415	Engineering	\$1000
	GC9010.800	State Retirement	\$3629
Decrease	GC8110.439	OC Sewer District	\$9550

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

d. Fire Department Equipment Requisitions:

Motion was offered by Trustee Jackson, seconded by Trustee Egan, to approve Fire Department Requisition 2010-01 (totaling \$1268.27), 2010-02 (totaling \$199.98), 2010-03 (totaling \$454.75) and 2010-04 (totaling \$600).

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

III. Old Business:

a. Acceptance of Bids - Surplus Equipment:

Clerk Potvin stated a bid opening was held on January 6, 2010 at 3:30PM for the sale of a 1999 Chevy Tahoe. The public notice was printed in the Times Herald Record on December 17, 2009 and the following bids were received:

Glenn McKenzie, Highland Mills	Cashier’s Check \$2201.00
Erik Johnson, Central Valley	Cashier’s Check \$1860.00
Liberty Motors, Jersey City, NJ	Money Order \$1315.00
Robert Beckley, Highland Mills	Certified Check \$1016.00

Mayor Queenan stated the notice required that a certified check be posted with the bid and Attorney Golden stated there is no difference between a cashier’s check and a certified check as they both guarantee that the money is available. Trustee Egan stated he feels the bids should be rejected as they are lower than the blue book value of the vehicle (which at fair conditions is approximately \$5000).

Attorney Golden stated the Board has the right to reject the bids based on that reason. Motion was offered by Trustee Jackson, seconded by Trustee Egan, to reject the bids received for the sale of the 1999 Chevy Tahoe.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

Motion was then offered by Trustee Egan, seconded by Trustee Jackson, to authorize the Village Clerk to re-advertise for bids for the sale of the 1999 Chevy Tahoe, setting a bid minimum of \$2000 and requiring a bank, certified or cashier's check be submitted with all bids.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

b. Discussion - Summit Avenue Properties Developers Agreement:

Engineer Lindsay stated the Developer's Agreement presented is a basic one and ensure that the developer satisfies the requirements set forth by the Planning Board resolution and establishes escrow accounts that are required. Attorney Golden stated the Board needs to decide (referencing paragraph two) if they want the performance bond in the form of cash or letter of credit. Mayor Queenan stated he prefers cash and the Board agreed. He then asked about the parkland fees and Clerk Potvin stated the Town Board has already taken action to accept the parkland fees at the time when the certificate of occupancies are issued. Motion was then offered by Trustee Egan, seconded by Trustee Crouse, to authorize the Mayor to sign the Developers Agreement for the Summit Avenue Properties.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

EXTRA ITEM – Larkin Drive Dedication Update/Revised Resolution:

Engineer Lindsay stated an attempt was made to conduct an inspection of the drainage facilities and improvements but it was limited due to the weather. It is suggested that the resolution be amended to address this issue. Mayor Queenan asked when the road will begin being maintained by the Highway Department. Attorney Golden stated the deeds are being filed tomorrow so the Town can begin as of January 14. The Highway Department will need a letter from the Village informing them of such. Engineer Lindsay added the one-year maintenance bond would then begin as of January 14 as well. Motion was offered by Trustee Egan, seconded by Trustee Flood, to amend the resolution adopted on December 8, 2009 accepting dedication of Larkin Drive by adding the following at the end of condition seven “, which shall be completed within six (6) months of the deed filing”.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

c. Comprehensive Plan/Zoning Update:

Planner Turner gave a history of the Comprehensive Plan/Zoning Amendments to date and reviewed what the next steps would be. He reviewed some of the major suggested amendments to the zoning code that were based on the Comprehensive Plan findings. Motion was offered by Trustee Jackson, seconded by Trustee Egan, to schedule a public hearing to be held on February 23, 2010 at 7:30PM on the Comprehensive Plan, Zoning Amendments, Zoning Map and Draft General Environmental Impact Statement. The meeting will begin at 7PM for the Board to conduct a worksession to ask the consultants any questions they may have regarding the above.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
NOES 0

EXTRA ITEM – Orange County Water Authority:

Mayor Queenan stated he prepared a draft resolution for the Board to review and submit comments to him, if any. He has also shared this resolution with other municipalities. Attorney Golden stated his office will be sending the Board members a copy of the State Law that dictates the powers of the Water Authority.

IV. New Business:

a. Resolution - Establishing Election Polling Place/Time:

Motion was offered by Trustee Egan, seconded by Trustee Crouse, to adopt the following:

RESOLVED that the Highland Mills Firehouse/Village Hall community room located at 455 Route 32, Highland Mills, New York is hereby established to be the polling place for all voting to be held for the Village General Election scheduled for March 16, 2010; and be it

FURTHER RESOLVED that the polls for said Village General Election will open at 12:00 Noon and close at 9PM.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

b. Change Order No 2 - Sanitary Manhole & Sewer Rehabilitation:

Motion was offered by Trustee Flood, seconded by Trustee Egan, to authorize the Mayor to sign Change Order No. 2 for the Sanitary Manhole & Sewer Rehabilitation project totaling a reduction of \$350.00 due to actual field conditions requiring different quantities than those estimated prior to beginning work and to correct a typographical error in Change Order No 1.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

c. Performance Bond Reduction - Highland Lakes Estates - Lot 158:

Motion was offered by Trustee Crouse, seconded by Trustee Jackson, to approve the reduction of Performance Escrow #256 to have a remaining balance of \$9,780, as recommended by Engineer Lindsay. All funds over this amount will be returned to the poster (Rolling Acres Highland Mills, LLC).

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

V. Board Member/Department Comment:

There were no Board Member/Department comments received.

VI. Public Comment:

There was no public comment received.

VII. Adjournment:

With no further business to discuss or comments received, a motion was offered by Trustee Jackson, seconded by Trustee Egan, to adjourn the meeting at 9PM.

ADOPTED AYES 5 Queenan, Crouse, Egan, Flood, Jackson
 NOES 0

Desiree Potvin, Village Clerk

A closed session with Attorney Golden and Engineer Lindsay was held after adjournment.

TURNER ROAD EASEMENT

SCHEDULE A

An easement over all that said piece or parcel situated and located in the Village of Woodbury, Town of Woodbury, County of Orange, State of New York (the "Easement Area"), being more particularly bounded and described as follows.

Beginning at a point located at the intersection of the south side of New York State Route 32 with the centerline of Turner Road, said point being the northeast corner of the lot herein to be described; thence,

South 04 degrees, 16 minutes, 06 seconds west, for a distance of 639.75 feet along the centerline Turner Road to a point; thence,

North 37 degrees, 04 minutes, 54 seconds west for a distance of 32.66 feet to a point located on the west side of Turner Road as widened, thence the following (6) courses and distances along said west side of Turner Road as widened.

1. North 05 degrees, 23 minutes, 15 seconds east for a distance of 367.85 feet to a point; thence,
2. North 02 degrees, 31 minutes, 55 seconds east for a distance of 99.18 feet to a point; thence,
3. South 87 degrees, 28 minutes, 05 seconds east for a distance of 5.00 feet to a point; thence,
4. North 02 degrees, 31 minutes, 55 seconds east for a distance of 20.00 feet to a point; thence,
5. North 87 degrees, 28 minutes, 05 seconds west for a distance of 5.20 feet to a point; thence,
6. North 00 degrees, 18 minutes, 46 seconds east for a distance of 106.11 feet to a point; thence,

North 52 degrees, 55 minutes, 06 seconds east for a distance of 34.00 feet along the south side of New York State Route 32 to THE POINT OR PLACE OF BEGINNING.

Said parcel containing 11,308 feet more or less.

TURNER ROAD EASEMENT AGREEMENT

THIS AGREEMENT, made the 30 day of April, 2009, by and between, Prestige Real Estate, LLC, a Limited Liability Company, with offices at 95 Maher Lane, Harriman, New York 10926 (hereinafter called "OWNER"), and the Village of Woodbury, a municipal corporation organized and existing under and by virtue of the laws of the State of New York with offices at 455 Route 32, Highland Mills, New York 10930 (hereinafter called "VILLAGE"),

WITNESSETH

That the OWNER, in consideration of the sum of TEN (\$10.00) DOLLARS, paid by the VILLAGE, grant the VILLAGE, its successors and assigns forever, a permanent easement and right of way for highway purposes, including the right to construct, erect, reconstruct, replace, relocate, operate, maintain, repair and replace all improvements necessary to establish and maintain a highway and appurtenant highway improvements, under, over, through and upon the real property of the OWNER described in Schedule "A" attached hereto (the "Easement Area").

The parties acknowledge and agree that OWNER's predecessor in interest received approvals from the Town of Woodbury Planning Board to construct buildings, structures and permanent improvements on OWNER's premises, as shown on a site plan entitled "Site Plan Prepared for 32/17 Restaurant, Inc.", dated February 22, 1982, approved by the Town Planning Board on March 3, 1982; that OWNER has received approval from the Village of Woodbury Planning Board to change the use of the premises and make modifications to the premises as shown on a site plan entitled "Monroe UMAC d/b/a Success Martial Arts", as approved by the

Village Planning Board on February 4, 2009, said approval conditioned on OWNER irrevocably offering VILLAGE a permanent highway easement over the premises as described herein.

The VILLAGE hereby agrees that nothing in this Agreement prevents OWNER from constructing and using the improvements shown on the approval plan, occupying and using the premises, modifying the use of the premises in the future, or exercising all of the rights and privileges that are necessary or customarily appurtenant to such use, provided such use is duly approved and is not inconsistent with the highway purposes for which this easement is granted.

The VILLAGE hereby agrees that this easement shall not prohibit or unreasonably restrict the right of the OWNER for ingress and egress over the Easement Area.

Prior to the exercise of the rights granted herein, the VILLAGE shall make reasonable efforts to serve notice on OWNER of its intent to enter upon the Easement Area. In cases of emergency, no prior notice need be given.

OWNER hereby covenants and agrees that no structures, permanent improvements or any obstructions whatsoever, shall be placed within the Easement Area, excluding those improvements as set forth on said site plan approved by the Village of Woodbury Planning Board. Nothing herein shall prevent OWNER, his successors and assigns, or other holding an interest in the property subject to this easement from the full use and enjoyment of said property, to the extent that it does not interfere with the purposes for which this easement is granted.

This Agreement does not affect the respective rights and obligations of the VILLAGE and OWNER to maintain any portion of Turner Road located in the Easement Area unless expressly stated herein.

TO HAVE AND TO HOLD this easement unto the VILLAGE, its successors and assigns forever.

IN WITNESS WHEREOF, the parties have duly executed this easement on the date
above written.

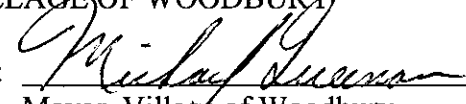
PRESTIGE REAL ESTATE, LLC

BY: _____


Joseph Beeta, Managing Member

VILLAGE OF WOODBURY

BY: _____


Mayor, Village of Woodbury

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

CARMEN OLMO
Notary Public
County of Orange
0106134090
Expires Sept. 26, 2009

On the 24 day of March, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Joseph Preira, personally known to me or provided to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



NOTARY PUBLIC – STATE OF NEW YORK

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the 4 day of May, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael Quenna, personally known to me or provided to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



NOTARY PUBLIC – STATE OF NEW YORK

DESIREE POTVIN
Notary Public, State of New York
Qualified in Orange County
No. 01HE6024139
Commission Expires May 3, 20 11