

Minutes of the Village Board Meeting held at Town Hall on June 28, 2011 at 7:30PM

Present: Michael Queenan, Mayor  
Neil Crouse, Timothy Egan, Thomas Flood and David Sutz, Trustees  
Absent: None  
Also Present: William McClennan, Water/Sewer Superintendent; Maria Hunter, Planning Board;  
Sandra Capriglione, Zoning Board; James Skoufis, Town Council

**I. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Trustee Flood, seconded by Trustee Egan, to accept the minutes of the regular meeting held June 14, 2011.

<b>ADOPTED</b>	AYES	4	Queenan, Egan, Flood, Sutz
	ABSTAIN	1	Crouse

b. Approval of Abstract:

Motion was offered by Trustee Crouse, seconded by Trustee Sutz, to approve Abstract 2, Vouchers #110051 - #110130, totaling \$130,538.63.

<b>ADOPTED</b>	AYES	5	Queenan, Crouse, Egan, Flood, Sutz
	NOES	0	

c. Closing of Escrow Account:

Motion was offered by Trustee Egan, seconded by Trustee Sutz, to approve closing escrow accounts 454 and 465, as recommended by the Building Department. These applications have been completed before the Planning Board.

<b>ADOPTED</b>	AYES	5	Queenan, Crouse, Egan, Flood, Sutz
	NOES	0	

EXTRA ITEM – Fire Department Equipment Requisitions:

Motion was offered by Trustee Egan, seconded by Trustee Sutz, to approve Fire Department Equipment Requisition 2011-16 totaling \$1157.00 and 2011-17 totaling \$8550.00.

<b>ADOPTED</b>	AYES	5	Queenan, Crouse, Egan, Flood, Sutz
	NOES	0	

EXTRA ITEM - Liquor License Renewal Notification:

Notification was received on June 25, 2011 from Peppy and Eddy's Restaurant informing the Village of their intention to renew their liquor license. Correspondence was received from the Police Department stating that there was no objection to the renewal. A letter will be sent to the NYS Liquor Authority stating there is no objection to the application for renewal.

**II. Old Business:**

a. Update - Lands of Zazon:

Mayor Queenan stated this item will be tabled until the August 9 meeting.

b. Update - Larkin Drive Maintenance Bond Release:

Mayor Queenan noted in January 2010 the Village assumed maintenance responsibility for Larkin Drive by accepting dedication of the roadway. A one-year maintenance bond was posted by the developer and a request has been received to return said bond. A final inspection was conducted on

March 14, 2011 and a list identifying items requiring attention was created. Last week a review was conducted by the Village Engineer and he found all bond related items were completed with the exception of the sealing of the area in the back of the catch basin to prevent soil from migrating into the basin. It is recommended that the bond be returned subject to notification being received from the Village Engineer and Town Superintendent of Highways that this minor issue is resolved. Motion was then offered by Trustee Egan, seconded by Trustee Sutz, to return the maintenance bond posted by RD Management in connection with the Larkin Drive dedication (\$40,000 plus interest earned), subject to the completion of the area being sealed by at the back of the catch basin and the paying of all consulting fees relating to this issue.

**ADOPTED**      AYES    5            Queenan, Crouse, Egan, Flood, Sutz  
                     NOES    0

**III. New Business:**

a. Variance Request - 50 Smith Clove Road:

Eddy Lahens, owner of property located at 50 Smith Clove Road, is requesting a zoning change/variance for this lot. The lot is currently zoned as HB and has a personal services business and five apartments; it also has two buildings on it. He would like to convert the business into two apartments, having a total of seven apartments. Under the new zoning (not effective as of this meeting), the HB district does not require that a business exist on the lot but each apartment must have 6000 square feet of total lot area. The lot has a total of 10,474 square feet. This property is grandfathered under previous zoning laws and will remain so as long as the existing use does not change. Additionally, the lot currently has six parking spaces but it is required that there are two spaces per apartment. Mr. Lahens is asking the Board to amend the zoning for his lot. Mayor Queenan stated it would be unethical for the Board to consider this request, in light of the newly adopted Comprehensive Plan. Mr. Lahens stressed that the economy has affected the commercial aspect of the business (laundry facility) and they have not renewed their lease. The business is currently just a walk-in laundry at this time. He feels the best economic use of the space is to use it as affordable renting housing. He stressed that he has owned the property for eight years and the parking lot has had only three cars in it as most of his tenants walk to their destinations. Trustee Sutz asked if Mr. Lahens had made attempts to find another personal services business and Mr. Lahens stated he has tried for the past two years. Trustee Egan stated what Mr. Lahens is requesting cannot be approved. It would require too much change to the zoning, which is illegal since it would be considered "spot zoning". He believes the best course of action for Mr. Lahens is to appear before the Zoning Board, but cautioned that the grandfather status of this lot could be jeopardized by the change in use. The Board stressed that they are sympathetic to Mr. Lahens issues but cannot legally entertain his request.

EXTRA ITEM – Workers’ Compensation Insurance Proposals:

Three proposals were obtained for the two insurance policies the Village holds for workers’ compensation (one for the Fire Department, one for the remaining employees). The quotes obtained were as follows: 1) PERMA - \$101,267; 2) NYS Insurance Fund - \$104,915; 3) NYS Municipal Workers’ Compensation Alliance - \$124,495. Motion was then offered by Trustee Egan, seconded by Trustee Sutz, to accept the proposal received from PERMA for Workers’ Compensation insurance totaling \$101,267 for the period of July 1, 2011 – July 1, 2012.

**ADOPTED**      AYES    5            Queenan, Crouse, Egan, Flood, Sutz  
                     NOES    0

EXTRA ITEM – Consolidation of Water Taxing Areas:

Motion was offered by Trustee Egan, seconded by Trustee Flood, to adopt the following resolution dissolving the Highland Lake Estates water taxing area and expanding the Consolidated Water taxing area into a single taxing area:

**WHEREAS**, the former Consolidated Water District (“CWD”) and former Highland Lake Estates Water District (“HLEWD”), were Districts wholly contained within the Village of Woodbury upon its incorporation; and

**WHEREAS**, by operation of law, the CWD and HLEWD ceased to exist pursuant to Village Law on January 1, 2008 and the service and functions of such former districts became the service and function of the Village of Woodbury; and

**WHEREAS**, the areas formerly comprising the CWD and HLEWD are taxed for said services and functions within the former water district areas hereinafter described as the Consolidated Water Taxing Area (“CWTA”) and the Highland Lakes Estates Water Taxing Area (“HLEWTA”), collectively the water taxing areas; and

**WHEREAS**, the functions and services of the Village in such areas is to provide water service and provide for the health, welfare and safety of the residents and the businesses of the Village of Woodbury serviced within such water taxing areas; and

**WHEREAS**, the functions and services provided by the Village of Woodbury to such water taxing areas includes the operation and maintenance of a water facilities and infrastructure to provide sufficient clean water to residents of the districts; and

**WHEREAS**, the Village Board of the Village of Woodbury has the overall authority for managing the operation, maintenance and finances of each water taxing area serving the Village; and

**WHEREAS**, after proper review, the Village Board of the Village of Woodbury desires to dissolve the HLEWTA and expand the CWTA into one water taxing area for economic efficiency; and

**WHEREAS**, the expanded CWTA will include the identical areas that previously were included in the CWTA and HLEWTA.

**NOW THEREFORE, BE IT**

**RESOLVED**, in the interests of economic efficiency and to lessen the cost of government upon Village taxpayers, that the Village of Woodbury hereby dissolves the HLEWTA and expands the CWTA to encompass the identical taxing area of the dissolved HLEWTA into one water taxing area; and be it further

**RESOLVED**, that the rights and duties of the Village Board and the services, functions, facilities and equipment provided by the Village of Woodbury in the water taxing area shall remain unchanged from those rights, duties, services and functions as were provided to the CWTA and the HLEWTA; and be it further

**RESOLVED**, that the amended boundaries of the CWTA shall be as set forth in the map on file in the Office of the Village Clerk; and be it further

**RESOLVED**, that effective immediately, the HLEWTA shall be dissolved and the CWTA shall be expanded to include the identical area of the dissolved HLEWTA and the Village Clerk shall undertake all necessary actions to accomplish the same.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Mayor Queenan	AYES
Trustee Crouse	AYES
Trustee Egan	AYES
Trustee Flood	AYES
Trustee Sutz	AYES

Mayor Queenan noted this resolution will be pending approval from the County's Department of Health. He also noted that the two taxing areas are already connected and supplying water to all residents in both taxing areas. The Highland Lake Estates water system is 15 years old and the Consolidated Water

System over 100 years old. Trustee Crouse asked if a review of the financial assets have been conducted, as recommended by the attorney, and Clerk Potvin stated the Board receives an accounting of all of their funds monthly, which includes the financial assets of the two taxing areas. Superintendent McClennan noted that the County Department of Health needs an engineer's report in order to sign off on the dissolution/expansion. Trustee Crouse asked what water sources were being utilized by the Highland Lake Estates water system and he was informed that there are three wells.

**IV. Board Member/Department Comments:**

Trustee Sutz congratulated all graduating seniors.

Trustee Crouse commended the Board on adopting the comprehensive plan at the last meeting.

Mayor Queenan announced some upcoming community events and reminded the public that the speed limit on all village roads is 30MPH.

**V. Public Comment:**

Maria Hunter informed the public of the events planned for the Woodbury Firecracker Festival which is being held this weekend on July 2.

Jonathan Swiller made some comments on the remarks made by Ralph Caruso at the last meeting.

**VI. Adjournment:**

With no further comments received or business to discuss, a motion was offered by Trustee Sutz, seconded by Trustee Flood, to adjourn the meeting at 8:15PM.

<b>ADOPTED</b>	AYES	5	Queenan, Crouse, Egan, Flood, Sutz
	NOES	0	

Desiree Potvin, Village Clerk