

Minutes of the Town Board Meeting held at Town Hall on June 4, 2015 at 7:30PM

Present: Ralph Caruso, Supervisor  
Timothy Arone, Robert Hunter, Frank Palermo and Marilyn Prestia, Councilpersons  
Absent: None  
Also Present: Robert Weyant, Highway Superintendent

**I. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to accept the minutes of the regular meeting held May 21, 2015.

**ADOPTED** AYES 5 Caruso, Arone, Hunter, Palermo, Prestia  
NOES 0

Motion was then offered by Councilman Arone, seconded by Councilwoman Prestia, to accept the minutes of the preliminary board meeting held June 1, 2015.

**ADOPTED** AYES 5 Caruso, Arone, Hunter, Palermo, Prestia  
NOES 0

b. Budget Modifications:

Motion was offered by Councilwoman Prestia, seconded by Councilman Hunter, to approve a modification to the budget of the Buildings/Grounds Department by increasing A510 (Estimated Revenues) by \$1200 and increasing A1620.200 (Equipment) by \$1200.

**ADOPTED** AYES 5 Caruso, Arone, Hunter, Palermo, Prestia  
NOES 0

c. Approval of Abstract:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve Abstract 10 containing vouchers 20151199 – 20151322 and totaling \$227,731.26.

**ADOPTED** AYES 5 Caruso, Arone, Hunter, Palermo, Prestia  
NOES 0

d. Schedule Interviews – Library Board Vacancies:

With the Boards approval, the interview will be conducted by Supervisor Caruso and Library Board President Dorothy Morris.

**II. Old Business:**

a. Acceptance of Bids – Bulk Chlorine:

Clerk Potvin stated a bid opening was held on May 29, 2015 for the purchase of bulk chlorine for the 2015 summer season. The public notice was printed in the Times Herald Record on May 13, 2015 and the following bids were received:

Kuehue Company 86 North Hackensack Avenue South Kearny, NJ 07032-4675	\$5.00 per gallon for 15% Sodium Hypochlorite
Wechsler Pool & Supply, Co. PO Box 333 Thompsonville, NY 12784	\$1.88 per gallon for 12.5% Sodium Hypochlorite \$3.25 fuel surcharge per delivery \$3.40 regulatory compliance charge per delivery

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to accept the bid received from Wechsler Pool & Supply Co., for bulk chlorine for the 2015 summer season.

**ADOPTED**      AYES    5            Caruso, Arone, Hunter, Palermo, Prestia  
                     NOES    0

b. Acceptance of Bids – Fuel Oil No. 2:

Clerk Potvin stated a bid opening was held on May 29, 2015 for the purchase of Fuel Oil No. 2 for various municipal buildings for the period of July 1, 2015 – June 30, 2016. The public notice was printed in the Times Herald Record on May 13, 2015 and the following bids were received:

Mirabito Energy Products, 49 Court Street, PO Box 5306, Binghamton, NY 13902

Cost per gallon	\$2.5304
Cap Price	Tied to fluctuating price of \$2.7304 per gallon
Service	24 hour service is available at a 25% discount off the posted service plan prices. They did not include what their service plan prices are.

\*\* They required their bid to be accepted by noon on June 5, 2015. Any acceptance after this date/time will be set at the sole discretion of Mirabito Energy Products.

H Reynolds & Son, Inc., 200 Route 32, PO Box 357, Central Valley, NY 10917

Cost per gallon	they will deduct \$0.15 per gallon off the current selling price of the date of delivery. The price on the day of their bid submission was \$2.799
Cap Price	They will offer a capped price in the heating season but details are not finalized as of today date. It will be forward when available.
Service	24 hour oil/service as per their agreement. The cost of the service plans are waived upon acceptance of the bid (Police Station two units at \$437.90 per unit and \$145.96 for hot water heater; Town Hall \$437.90; Animal Control Shelter \$437.90; Library \$437.90)

Councilman Hunter stated he felt that the bid from Mirabito is incomplete and does not meet the specifications. Councilwoman Prestia added she did not like the timeframe imposition by Mirabito, plus Reynolds is a local vendor. Supervisor Caruso added that Reynolds is also waiving the fees for the service contracts. Motion was then offered by Councilman Arone, seconded by Councilman Palermo, to accept the bid received from H Reynolds & Son for the supply of Fuel Oil No. 2 to various municipal buildings July 1, 2015 thru June 30, 2016.

**ADOPTED**      AYES    5            Caruso, Arone, Hunter, Palermo, Prestia  
                     NOES    0

c. Resolution of Support – State Legislature Annexation Bills:

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to adopt the following resolution supporting the enactment of Assembly Bill A7629/Senate Bill S5603 and Assembly Bill A7639/Senate Bill S5643:

**WHEREAS**, Assembly Bill A7629/Senate Bill S5603 entitled “an act to amend the environmental conservation law, in relation to the powers of the commissioner of the department of environmental conservation” has been introduced to allow the commissioner to examine a municipality’s compliance with environmental laws and regulations when resolving a dispute between two municipalities; and

**WHEREAS**, Assembly Bill A7639/Senate Bill S5643 entitled “an act to amend the general municipal law, in relation to referrals of certain annexation petitions” has been introduced to require annexations that require county or county agency approval (a) to provide water or sewer service in the area to be annexed or (b) for the annexing municipality to provide water or sewer service in the areas to be annexed will be subject to a county planning department review and all other relevant requirements pursuant to GML239; and

**WHEREAS**, annexations that have the potential to impact an entire regions infrastructure and resources should be subjected to significant review.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Board of the Town of Woodbury does hereby support Assembly Bill A7629/Senate Bill S5603; and be it further

**RESOLVED** that the Town Board of the Town of Woodbury does hereby support Assembly Bill A7639/Senate Bill S5643; and be it further

**RESOLVED** the Town Clerk is directed to send a certified copy of this resolution to all state representatives of Orange County.

**ADOPTED**      AYES    5            Caruso, Arone, Hunter, Palermo, Prestia  
                     NOES    0

d. Schedule Public Hearing – Amending Beautification Local Law:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to adopt the following resolution setting a time and place for a public hearing on a proposed local law to repeal Chapter 16 of the Town Code, entitled "Beautification Commission", and to replace it with a new Chapter 16 entitled “Beautification Committee” :

**WHEREAS**, the Town Board has identified the need to modify its current Beautification Commission local law in order to improve its function; and

**WHEREAS**, the Town Board wishes to set a time and place for a public hearing to consider the proposed local law to amend Chapter 16 of the Town Code that would among other amendments, change the Commission to a Committee; and

**WHEREAS**, the Town Board hereby determines that it will be the lead agency with respect to the review of the proposed local law amendment (the “project”) in accord with New York State Environmental Quality Review Act (“SEQRA”) and part 617 of the regulations implementing SEQRA, since there are no other agencies that have the authority to approve the project; and

**WHEREAS**, the Town Board hereby preliminary classifies the action as an unlisted action under SEQRA;

**NOW, THEREFORE, LET IT BE HEREBY**

**RESOLVED**, that a public hearing shall be held by the Town Board in order to receive comments and suggestions regarding proposed amendments to Chapter 16 of the Town Code and to review any potential adverse environmental impacts of the proposed local law, on June 18, 2015 at 7:30 p.m. at the Town Hall located at 511 Route 32, Highland Mills, New York; and it is further

**RESOLVED**, that the office of the Town Clerk is authorized and directed to cause public notice of said hearing to be given as provided by law.

**ADOPTED**      AYES    5            Caruso, Arone, Hunter, Palermo, Prestia  
                     NOES    0

e. Resolution – Tax Certiorari Settlement:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to adopt the following resolution authorizing the law firm of Catania, Mahon, Milligram & Rider, PLLC., to settle the

tax certiorari proceeding commenced by Moses Brull v. Town of Woodbury, and authorizing the firm and/or the Supervisor to execute necessary documents needed to effectuate the settlement:

**WHEREAS**, an action was filed by Moses Brull pursuant to Article 7 of the New York Real Property Tax Law challenging the 2014 tax assessment for the property located at Section 213, Block 1, Lot 108; and

**WHEREAS**, Moses Brull sought a reduction in the 2014 assessment against said parcel from \$209,600.00 to \$154,800.00 (a reduction of \$54,800.00); and

**WHEREAS**, the Town Assessor, after performing a detailed analysis of the 2014 assessment of Section 213, Block 1, Lot 108, proposed a reduction in the 2014 assessment of \$41,500.00 resulting in a new assessment of \$168,100.00; and

**WHEREAS**, the new assessment would result in a refund to the Petitioner of \$2,419.87 in school taxes, \$643.10 in town taxes, \$137.67 in village taxes and \$365.62 in county taxes; and

**WHEREAS**, pursuant to Section 727 of the New York Real Property Tax Law, the assessment fixed for 2014 would be frozen as to Section 213, Block 1, Lot 108 for the 2015, 2016 and 2017 tax years; and

**WHEREAS**, Petitioner, Moses Brull is willing to accept the reduction proposed by the Town Assessor and has signed a stipulation to that effect; and

**WHEREAS**, the Town Board of Woodbury has discussed and considered the issues related to the settlement of this matter; and

**WHEREAS**, the Town Board of the Town of Woodbury finds that it is in the best interest of the Town of Woodbury to settle this matter and is willing to accept the reduction in the assessment proposed by the Town Assessor from \$209,600.00 to \$168,100.00; and

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Town's attorneys Catania, Mahon, Milligram and Rider, PLLC shall have the authority to settle the matter described herein on behalf of the Town of Woodbury and the Board directs the Town's attorneys and/or the Town Supervisor to execute the stipulation of settlement and any other necessary documents on behalf of the Town of Woodbury.

**ADOPTED**      AYES    5            Caruso, Arone, Hunter, Palermo, Prestia  
                      NOES    0

Supervisor Caruso made it clear the Board is acting on a proposal set by Assessor Breslin.

f. Authorize Submission - OCCD FY2016 Grant Application:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to authorize the Supervisor to sign any and all documents relating to the FY2016 Orange County Community Development grant application being prepared by Engineer Fusco. Two projects are being applied for: improvements to the access for the disabled ramp at Town Hall and the installation of an elevator at Town Hall.

**ADOPTED**      AYES    5            Caruso, Arone, Hunter, Palermo, Prestia  
                      NOES    0

**III. New Business:**

a. Resolution of Support – Preserve Hudson Efforts:

Motion was offered by Councilwoman Prestia, seconded by Councilman Hunter, to adopt the following resolution:

**WHEREAS**, the Town of Woodbury Town Board is aware that the Commissioner of the New York State Department of Environmental Conservation ("NYSDEC") has recently issued a determination authorizing the Village of Kiryas Joel to act as the Lead Agency to conduct the required environmental review of the pending 510 acre annexation petition, pursuant to the New York State Environmental Quality Review Act (SEQRA"); and

**WHEREAS**, as part of the decision, the Commissioner wrote favorably about the benefits of the type of compact, high density development in the Village of Kiryas Joel, asserting such development to be environmentally sustainable; and

**WHEREAS**, as part of the decision, the Commissioner also asserted that the type of compact, high density development in the Village of Kiryas Joel was beneficial because it conserved open space; and

**WHEREAS**, as part of the decision, the Commissioner also asserted that the Village of Kiryas Joel's comprehensive plan, that proposes high density development, was more favorable than comprehensive plans that permit large-lot development intended to preserve the existing character of the community; and

**WHEREAS**, the Town Board believes that the Commissioner erred in determining that the Village of Kiryas Joel should act as Lead Agency to perform environmental review, because the Village of Kiryas Joel has already pre-determined the outcome of its environmental review by stating its long-term goal is the substantial population growth and development of the village; and

**WHEREAS**, the Town Board believes that the Commissioner erred in preferring the land use practices of the Village of Kiryas Joel over the land use practices of its neighboring communities; and

**WHEREAS**, there is pending litigation challenging the Commissioner's determination brought by Preserve Hudson, Inc. and other litigants against the Commissioner and others in the Supreme Court of the State of New York, County of Orange (the "Preserve Hudson Litigation");

**NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, by the Town Board of the Town of Woodbury, that the Town Board hereby states its support for the Preserve Hudson Litigation challenging the Commissioner's decision.

**ADOPTED**      AYES    5            Caruso, Arone, Hunter, Palermo, Prestia  
                     NOES    0

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

Councilwoman Prestia thanked the residents that came out and supported the Memorial Day parade. She also thanked Assemblyman Skoufis for his efforts that will ultimately benefit our community.

Supervisor Caruso stated he attended the recent hearing that was held for the transportation interchange at the school a few weeks ago. When he arrived there was no one there but the representatives from the State. He was told he could submit written comments, which he did this week. In summary, his comments were they are taking too long, there exists too much traffic and pollution and the people of the town are suffering because of it.

**V. Public Comment**

Robin Crouse thanked the Board for supporting the state legislation and also Preserve Hudson's efforts. She feels it is important we send a message that we stand together and will not tolerate what is going on without a fight.

**VI. Adjournment:**

With no further comments received or business to conduct, a motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to adjourn the meeting at 7:55PM.

**ADOPTED**      AYES    5            Caruso, Arone, Hunter, Palermo, Prestia  
                     NOES    0

Desiree Potvin, Town Clerk