

Minutes of the Town Board Meeting held at Town Hall on March 19, 2015 at 7:30PM

Present: Ralph Caruso, Supervisor
Timothy Arone, Robert Hunter, Frank Palermo and Marilyn Prestia, Councilpersons
Absent: None
Also Present: Joseph McKay, Attorney for the Town; Robert Weyant, Highway Superintendent;
Richard Vasquez, Police Chief; Maria Hunter, Village Planning Board; Victor Ferrarelli and
Sandra Capriglione, Village Zoning Board

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 March 5, 2015.

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

b. Budget Modifications:

Motion was offered by Councilman Hunter, seconded by Councilman Arone, to approve a modification to the 2015 budget of the Highway Department by increasing DB2665 (Sale of Equipment) by \$16,000 and increasing DB5130.200 (Machinery Equipment) by \$16,000.

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

c. Approval of Abstract:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to approve Abstract 5 containing vouchers 20150565 – 20150700 (voiding voucher 20150640, check #13331) and totaling \$551,843.75.

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

d. Acceptance of Resignation:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to accept, with regrets, the resignation of Ronald Burkhardt from the position of MEO effective April 8, 2015. It was noted that Mr. Burkhardt has worked for the Town since March 1983 (32 years). He was sincerely thanked for the time he has served the community.

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

Councilman Palermo stated he appreciates the time Mr. Burkhardt served the community and wished him the best in retirement. Councilwoman Prestia also thanks Mr. Burkhardt for his service to the Town. Supervisor Caruso stated a letter of appreciation will be sent.

II. Old Business:

a. Authorize Supervisor to Sign – 2014-2018 PBA Dispatchers Contract:

Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to authorize the Supervisor to sign the Police Benevolent Association, Inc., Dispatcher's Contract, which is for the period of January 1, 2014 – December 31, 2018.

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

b. Resolution – Hotel/Motel Home Rule Support:

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

RESOLUTION REQUESTING THE ENACTMENT OF NEW YORK STATE ASSEMBLY BILL #A.5157 AND NEW YORK STATE SENATE BILL #S.3819 FOR THE 2015 LEGISLATIVE SESSION AUTHORIZING THE TOWN OF WOODBURY TO IMPOSE A HOTEL AND MOTEL TAX IN THE TOWN OF WOODBURY.

WHEREAS, the Town of Woodbury Town Board, at its regular meeting held January 15, 2015, adopted a resolution authorizing the Town Clerk to submit a formal request for the enactment of certain "Home Rule" Legislation by the New York State Legislature authorizing the imposition of a hotel and motel tax in the Town of Woodbury; and

WHEREAS, pursuant to that "Home Rule" request there has been introduced in the New York State Assembly Bill #A.5157 and New York State Senate Bill #S.3819 which Bills authorize the imposition of a hotel and motel tax in the Town of Woodbury; and

WHEREAS, the Town Board of the Town of Woodbury is requesting the ability to impose such a tax to use the revenue to offset the cost of the emergency communication program that is used to ensure residents are aware of emergency conditions in Town via cellphone, landlines, electronic mail and text messaging.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Woodbury requests the enactment of New York State Assembly Bill #A.5157 and New York State Senate Bill #S.3819 authorizing the imposition of a hotel and motel tax in the Town of Woodbury; and be it

FURTHER RESOLVED, that the Town Board authorizes the Town Clerk to transmit this resolution together with any other necessary documentation to both houses of the New York State Legislature forthwith.

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

III. New Business:

a. Authorize Supervisor to Sign – Appraisal Services:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to authorize the Supervisor to sign an agreement with RP Hubbell and Company, Inc., for appraisal consultation services/assessment analysis for the Woodbury Junction development. The cost for this work will not exceed \$13,500 (which will be billed on an hourly basis of \$225/hour for a principal appraiser/consultant and \$150/hour for appraiser/research assistant, and will be tracked on a quarter hourly basis). A retainer of \$6500 is required prior to initiating the project and if a court ready appraisal is required there will be an additional fee of \$7500.

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

b. Authorize Supervisor to Sign – 2015 Stop DWI Funding:

Motion was offered by Councilman Hunter, seconded by Councilman Palermo, to authorize the Supervisor to sign an agreement with Orange County for the 2015 STOP-DWI enforcement patrol (which will be from March 13, 2015 thru January 1, 2016). The agreement specifies the "not-to-exceed" total hours and/or dollar amount for the first period of the program (March 13-May 26), which is \$3,280.50. A subsequent letter will be sent with the amount for the two other periods.

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

c. Discussion – Assembly Bill 5827 “Integrity In Government Act”:

Recently, Assemblyman James Skoufis introduced Assembly Bill A5827 entitled “an act to amend the public officer’s law, in relation to enacting the integrity in government act”. The purpose or general idea of bill is “to ensure greater adherence to the Freedom of Information Law (FOIL) and Open Meetings Law (OML) by creating a state commission that is vested with enforcement powers”. According to the bill material, the justification for the bill is as follows: *“The large majority of public officials in the state and local governments work hard to abide by open government laws. In those instances where FOIL or OML is violated, however, current statute does not provide for an opportunity to compel compliance other than a costly Article 78 proceeding. New York’s Committee on Open Government presently oversees the implementation of FOIL and OML but its actions are only advisory in nature. This bill will ensure greater adherence to FOIL and OML by providing enforcement powers to the proposed commission”*. The fiscal implications of this bill are listed as “to be determined” and there currently is no Senate sponsor/matching bill. Councilman Hunter stated he feels that this bill should be supported by the Town Board and that a resolution should be adopted. Councilman Palermo agreed, noting that most municipalities respond timely and this law will only concern those that do not. Discussion was held about whether a resolution should be passed tonight or one prepared and it was decided to adopt now. Motion was then offered by Supervisor Caruso, seconded by Councilman Arone to resolve that the Town Board supports the passage of Assembly Bill A5827.

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

d. Resolution – Tax Cap Law Reform (requested by OCATVC):

Motion was offered by Councilwoman Prestia, seconded by Councilman Hunter, to adopt the following resolution as prepared by the Orange County Association of Towns/Villages/Cities to request the New York State Legislature to reform the New York State Tax Cap legislation:

WHEREAS, New York State is in the process of considering extending the Tax Cap Law, and
WHEREAS, it is the consensus of the Town of Woodbury Town Board, at the request of the Orange County Association of Towns/Villages/Cities, that as currently designed the tax cap makes it virtually impossible for Towns, Villages and Cities to meet the laws criteria due to mandated expenses such as ever increasing cost of pensions and health care which consumes most of the allowable cap and should, therefore, be exempted from the tax cap law, and

WHEREAS, the present tax cap law severely restricts elected officials in the Towns, Villages and Cities of Orange County from performing their fiduciary duties to their residents to effectively provide for:

- Infrastructure improvements and repairs;
- Road maintenance, repair and renovation, as well as snow removal, which are all required to make streets safe for travel;
- Capital projects and infrastructure improvements in utilities, transportation, communication that are required to improve quality of life and grow our economy and bonding decisions are subject to permissive referendum providing residents a mechanism for residents to reject an infrastructure investment by a local board;
- Expenses derived from consent orders and smart growth initiatives to make communities livable;
- Extraordinary expenses required to respond to public health emergencies and pandemic;

and, therefore, should be exempted from the tax cap law, and

WHEREAS, continued neglect of infrastructure, roads and renovations due to fiscal restraints will only result in dire conditions and more costly repairs and/or possible lawsuits, and

WHEREAS, we further recommend an amendment to the tax cap formula to address disincentives to offer PILOTS, as well as an amendment to address disincentives to consolidate services.

NOW, THEREFORE, BE IT

RESOLVED that it is the sincere hope of the Town of Woodbury Town Board that Governor Andrew Cuomo, members of the New York State Senate and members of the New York State Assembly give serious consideration to important recommendations for reforms of the Tax Cap Law that are hereby put forth; and be it

FURTHER RESOLVED that we respectfully request that the New York State representatives listed below advocate for the reforms hereby put forth: Senator William J. Larkin, Senator, John Bonacic, Assemblyman James Skoufis, Assemblyman Karl Brabenec, Assemblywoman Aileen Gunther, Assemblywoman Claudia Tenney and Assemblyman Frank Skartados

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

EXTRA ITEM – Rescind Motion Supporting Assembly Bill A5827:

Councilman Palermo suggested that perhaps the Town Clerk to Attorney should draft a formal resolution for the Board to approve showing support of Assembly Bill A5827. Motion was then offered by Councilman Palermo, seconded by Councilwoman Prestia, to rescind the motion supporting Assembly Bill A5827 and request that the Town Clerk prepare a formal resolution of support for the Board to consider at the next meeting.

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

EXTRA ITEM – Executive Session:

Motion was offered by Supervisor Caruso, seconded by Councilman Arone, to enter into an executive session after the agenda items are completed to discuss one item of personnel regarding the employment history of a particular employee.

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

IV. Department Reports:

a. Supervisor’s Report – February 2015

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve the February 2015 Supervisor’s Report with receipts totaling \$4,552,098.76 and disbursements totaling \$918,715.41.

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

b. Town Clerk’s Report – February 2015

c. Parks/Recreation Minutes – February 17, 2015

d. Animal/Goose Control Report – February 2015

e. Police/Communications Report – February 2015

f. Beautification Commission Minutes – March 12, 2015

g. Library Minutes – February 10 and 24, 2015

h. Budget vs. Actual – February 2015

V. Board Member Announcements/Comments:

Councilman Hunter acknowledged Police Officers Jahn Farrell and Scott Sheehan for their professional work during a recent carbon monoxide incident. He then stated that the Beautification

Commission has approved a plan for the improvements to the Town Hall meeting room they will be doing this spring/summer.

Councilman Palermo congratulated Police Officers Kristen Potter and Joseph Iorio on graduating from the Police Academy last month. He noted that Officer Potter scored the highest of all the cadets and received an award of excellence in defensive tactics. She also received the highest award given at the academy which is the Overall Highest Academic Achievement.

Councilwoman Prestia thanked the Historical Society for the wonderful program they had hosted recently featuring local artists of Woodbury.

VI. Public Comment:

Michelle Bartelini stated she feels that the traffic light on Dunderberg at the entrance to the High School needs to be reprogrammed and a right turn arrow added to gain entrance to the school. Supervisor Caruso stated he spoke with the engineer for Orange County (*Dunderberg Road is a County road*) last week about this issue. The School District is aware of the issue as well and has been working with the County. He then read a letter from the County to the School.

Maria Hunter stated that there is a traffic plan for the Woodbury Junction development that was approved by the Planning Board that includes the function of the light. The light was purchased and installed by the developer for the development and will be improved based upon the number of homes built. There are also plans for widening the road. She suggested that the adopted Planning Board plans be reviewed by the County and all others interested, noting they are on file with the Building Department. Speaking as Chairperson of the Beautification Commission, the new ceiling tiles for the Town Hall meeting room have been purchased. The Commission will be reaching out to organizations in Town for help installing them and with the other improvements planned for the meeting room. She then noted that at the March 12 meeting the Commission adopted a motion requesting that two members be removed for lack of participation. She then received a response from the Supervisor stating it was his opinion that the issue be postponed since a response date was not given to the members to respond by with regards to their staying on the Commission. She noted that two emails were sent to all members, one which stated to respond or attend the next meeting if you want to continue. All but two members complied and a letter was sent to them sincerely thanking them for their time. She feels that the Town Board should have discussed this issue this evening as requested by the Commission. Supervisor Caruso stated that the Commission does not have the authority to remove members and that ample time was not given to the members to respond. The letter written to the Board states meetings cannot be held due to lack of quorum and he feels that two members cannot be blamed for that. After receiving a letter from the Commission's Secretary one of the members being asked to be removed sent him a letter stressing his desire to not be removed. Councilman Hunter stated he feels that proper response time was provided to all members and that the attendance record at meetings proves which members should be removed to make room for others that are interested. Councilman Palermo asked if the Town Board can remove them without proper cause and Attorney McKay stated he would need to review the law, and Supervisor Caruso then read the law. He stated he feels that lack of attendance is not a valid reason to remove a member and that there should be grounds. Mrs. Hunter noted that attending meetings is not the only activities of the Commission that these two members do not participate in. There is also decorating the town done several times a year as well. There are individuals that have expressed an interest in joining and there are currently no vacant seats available for the Town Board to fill. Councilman Palermo suggested this issue be tabled at this time and discussed further at a Town Board Preliminary meeting on a Monday evening.

8:10PM – Executive Session:

The Board then entered into the executive session as approved earlier in the meeting. No minutes of the executive session were recorded. In addition to the Board members, the following also attended the executive session: Attorney McKay, Police Officer/PBA President Jahn Farrell and Anthony Solfaro, President of NYS Union of Police Associations, Inc.

VII. Adjournment:

With no further comments received or business to discuss, a motion was offered by Councilman Palermo, seconded by Councilman Arone, to end the executive session at 9:20PM and adjourn the meeting at 9:21PM.

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

Desiree Potvin, Town Clerk