

Minutes of the Town Board Meeting held at Town Hall on May 5, 2016 at 7:30PM

Present: David Sutz, Supervisor
Michael Essig and Robert Hunter, Councilmen
Absent: Timothy Arone and Frank Palermo, Councilmen
Also Present: Joseph McKay, Attorney for the Town; Kevin Phillips, Police Sergeant; Tracy Maggio, Clerk to the Supervisor; Michael Queenan, Village Mayor; Maria Hunter, Village Planning Board; Sandra Capriglione, Village Zoning Board

I. Public Hearing:

a. Introductory Local Law #2 - Police Commission:

Motion was offered by Councilman Essig, seconded by Councilman Hunter, to adopt the following resolution relating to SEQRA:

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.

ADOPTED AYES 3 Sutz, Essig, Hunter
 NOES 0

A public hearing was then held to entertain public comments on Introductory Local Law 2 of 2016, which would repeal Chapter 60 of the Town Code entitled "Police Advisory Committee" and create a new Chapter 60 entitled "Police Commissioner Law". The public notice was printed in the Times Herald Record on April 27, 2016 and the following comments were received:

Sergeant Phillips called attention to some areas of the proposed law that contradict with the job classification/description of Police Chief under the NYS Division of Criminal Justice and Orange County Department of Human Resources. He also cited some areas of the proposed law that contradict with the accreditation program and NYS Law 9 CRR 6051.1. He then cited some sections of the proposal law that contradict other sections within the proposed law. Attorney McKay stated he will review the areas raised by Sergeant Phillips and compare them to the areas of law referenced.

Dan Stimpfle asked why this law was being introduced and Supervisor Sutz stated it is to update an existing law.

Maria Hunter asked how the proposed Commission would comply with the Open Meetings Law since it will consist of five Town Board members. Attorney McKay stated the Open Meetings Law will be followed in the same manner it is now.

With no further comments received, a motion was offered by Councilman Hunter, seconded by Councilman Essig, to close the public hearing.

ADOPTED AYES 3 Sutz, Essig, Hunter
 NOES 0

Supervisor Sutz stated a vote on the adoption of the law will be tabled to the next meeting when a full board is present. Attorney McKay stated he believes there could be an amendment to the proposed law to clarify some areas raised this evening. He will provide the Board with a revised draft that he feels will not have any substantial changes so action could be taken at the next meeting. If there are substantial amendments necessary, then he will advise the Board on how to proceed.

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Essig, seconded by Councilman Hunter, to accept the minutes of the regular meeting held April 21, 2016.

ADOPTED AYES 3 Sutz, Essig, Hunter
 NOES 0

b. Approval of Abstract:

Motion was offered by Councilman Hunter, seconded by Councilman Essig, to approve Abstract 9 containing vouchers 20160679 - 20160746 and totaling \$295,725.82.

ADOPTED AYES 3 Sutz, Essig, Hunter
 NOES 0

c. Approval of Budget Modification:

Motion was offered by Councilman Hunter, seconded by Councilman Essig, to approve a modification to the budget of the Police Department by decreasing B3120.100 (Police Personal Services) by \$1639 and increasing B3120.101 (Compensated Absences at Retirement) by \$1639.

ADOPTED AYES 3 Sutz, Essig, Hunter
 NOES 0

EXTRA ITEM - Acceptance of Resignation - Assistant Senior Citizens Director:

Motion was offered by Councilman Essig, seconded by Councilman Hunter, to accept, with regrets, the resignation of Catherine Bruce from the position of Assistant Senior Citizens Director effective May 13, 2016. It was noted that Catherine has worked for 22 years.

ADOPTED AYES 3 Sutz, Essig, Hunter
 NOES 0

III. Old Business:

a. Settlement of Campora Matter:

Motion was offered by Councilman Essig, seconded by Councilman Hunter, to authorize the Supervisor to execute a stipulation settling the Campora litigation.

ADOPTED AYES 3 Sutz, Essig, Hunter
 NOES 0

b. Appoint Legal Representation for Tax Certiorari Case:

Motion was offered by Councilman Hunter, seconded by Councilman Essig, to appoint the law firm Burke, Miele & Golden to serve as special counsel for the 12 Commerce Drive tax certiorari case before the Town of Woodbury. It was noted this is necessary due to a conflict of interest Attorney McKay's firm has with the petitioner.

ADOPTED AYES 3 Sutz, Essig, Hunter
 NOES 0

c. Acceptance of Bids - Bulk Chlorine:

Clerk Potvin noted the bid opening was held on April 29, 2016 at 11AM and the public notice was printed in the Times Herald Record on April 7, 2016. She noted that no bids were received. Motion was offered by Councilman Essig, seconded by Councilman Hunter, to authorize the Town Clerk to advertise again for bids for the supply and delivery of chlorine for the John P Burke Memorial Pool for the 2016 season.

ADOPTED AYES 3 Sutz, Essig, Hunter
 NOES 0

IV. New Business:

a. Resolution - Supporting State Legislation Opposing Pilgrim Pipeline:

Motion was offered by Councilman Essig, seconded by Councilman Hunter, to adopt the following resolution urging the State Legislature to support Assembly Bill A.9831a preventing the construction of the Pilgrim Pipeline:

WHEREAS, the Town Board of the Town of Woodbury are writing to express our collective support for proposed legislation A.9831a, an act to amend the public authorities law and the environmental conservation law, in relation to the construction of a pipeline property under the control of the New York State Thruway Authority; and

WHEREAS, history has shown, time and time again, that oil and petroleum pipelines are demonstrably dangerous and pose a substantial threat to our water sources, natural lands, endangered species, homes, and, most importantly, people; and

WHEREAS, oil and petroleum pipelines constructed longitudinally on New York Thruway Authority property would cross hundreds of streams, wetlands, and water bodies, pass over numerous drinking water aquifers, and traverse through or in close proximity to residences, schools, public parks, and businesses; and

WHEREAS, pipelines are prone to leakage, and if an incident were to occur along the Thruway, the consequences might be catastrophic; and

WHEREAS, we rely on waters and lands through which the proposed pipeline would be built that, if contaminated, would poison our drinking water and diminish the health and quality of life for everyone in the area; and

WHEREAS, it would cost our communities millions of dollars to attempt to address the effects a leak would have on our drinking water, open spaces, homes, farmlands, and streams; and

WHEREAS, our landscapes and idyllic sights along the Thruway, which attract thousands of tourists every year, would be put at risk, and any spillage would thus prove harmful to our economic base; and

WHEREAS, organizations building a pipeline would take advantage of eminent domain laws to force themselves onto the properties of homeowners, in spite of the fact that the homeowners may object and/or receive inadequate compensation; and

WHEREAS, pipelines can leak for an indefinite period of time, and accidents are typically discovered only after their ramifications have been felt, often by members of the public and first responders. Studies indicate that the most sophisticated detection technologies do not have a satisfactory record of identifying and stopping leaks before it can inflict damage; and

WHEREAS, the magnitude of any leak would be enormous, and the consequences dire, as a quart of oil can pollute up to a quarter million gallons of drinking water; and

WHEREAS, pipelines are not inspected to a degree at which the safety of all New Yorkers could be guaranteed. Only 135 Hazardous Materials Safety Administration inspectors watch over 2.6 million miles of pipeline, enough material to circle the globe several times over; and

WHEREAS, municipal fire departments are currently unequipped to combat pipeline-related accidents, and preparation for an adequate response to such events would entail a substantial amount of funding and training. Without sufficient equipment, training, or finances, our local firefighters and other first responders would be put at great risk when called to duty; and

WHEREAS, we have enjoyed the natural scenic views and the benefits they afford for years, and a pipeline would significantly detract from the New York experience. A pipeline would require over one hundred construction and maintenance access roads. Moreover, large and noticeable shut-off valves would be frequently placed above ground along the route, with a higher concentration at environmentally sensitive locations such as wetlands and waterways; and

WHEREAS, the only groups that stands to gain from construction of such pipelines are the pipelines' owners and shareholders, and these benefits come at the expense of our lands, our natural resources, our flora and fauna, our economy, and our health; and

WHEREAS, in the 2016 State of the State address, Governor Cuomo declared that by 2030, fifty percent of the state's energy must come from renewable sources which to fulfill in spirit entails refraining from investing in hazardous sources of energy like petroleum and crude oil.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Woodbury stands united in staunch opposition to a pipeline project on the New York State Thruway and through our towns, cities, and villages, on behalf of all the people in our communities; and be it

FURTHER RESOLVED, that this resolution is in support of bill A.9831a, introduced by Assemblyman Frank Skartados of the 104th District, and as such does hereby authorize the Supervisor to sign any letter to that effect; and be it

FURTHER RESOLVED, that copies of this signed resolution be send to the Governor of New York and State Legislative Representatives and as such request that they support and co-sponsor the bill.

ADOPTED AYES 3 Sutz, Essig, Hunter
 NOES 0

Clerk Potvin noted that Councilman Palermo sent an email stated he is in support of this resolution.

b. Advertise for Bids - Fuel Oil No. 2:

Motion was offered by Councilman Hunter, seconded by Councilman Essig, to authorize the Town Clerk to advertise for bids for No. 2 Fuel Oil for the 2016/2017 season.

ADOPTED AYES 3 Sutz, Essig, Hunter
 NOES 0

c. SEQRA Resolution - Lead Agency Designation:

Motion was offered by Councilman Essig, seconded by Councilman Hunter, to adopt the following resolution of the Town Board of the Town of Woodbury stating its intention to assume lead agency status for the construction of a municipal center pursuant to the New York State Environmental Quality Review Act ("SEQRA"):

WHEREAS, the Town Board has identified a need to relocate from its current town hall building to meet both the current and future needs of its residents; and

WHEREAS, the Town Board has met with Village of Woodbury officials, and intends to work with the Village to construct a new thirty-five thousand (35,000) square foot Municipal Center and related parking and other accessory facilities, on property currently owned by the Village of Woodbury, and adjacent to the current Village Hall offices, located at 455 Route 32, Highland Mills, NY 10930; and

WHEREAS, the Town anticipates financing the project through available Community Development Block Grants, other grants as may be available, and through municipal bond financing of approximately nine million (\$9,000,000.00) dollars; and

WHEREAS, it is the intention of the Town and Village to enter into an Inter-Municipal Agreement, to share costs associated the Municipal Center proportionate with their use of the building; and

WHEREAS, the proposed action is subject to the New York State Environmental Quality Review Act ("SEQR") and is herein preliminarily classified as an "Unlisted Action" pursuant to SEQRA;

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board hereby issues a Notice of Intent to Become Lead Agency with respect to the project, and to conduct coordinated review pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental

Conservation Law, and authorizes and directs the Town Clerk to mail the attached Notice to the Involved and Interested Agencies listed thereon.

ADOPTED AYES 3 Sutz, Essig, Hunter
 NOES 0

EXTRA ITEM - Renew Contract with Auctions International:

Motion was offered by Councilman Hunter, seconded by Councilman Essig, to authorize the Supervisor to sign a renewal agreement with Auctions International to sell equipment deemed as surplus by the Town. This is a two year contract.

ADOPTED AYES 3 Sutz, Essig, Hunter
 NOES 0

EXTRA ITEM - Environmental Consulting Services:

Motion was offered by Councilman Hunter, seconded by Councilman Essig, to authorize the Supervisor to sign a retainer agreement with PVE Sheffler for environmental consulting services pertaining to the determining an estimated cost to remediate the Nepera Site. These services will not exceed \$3000.

ADOPTED AYES 3 Sutz, Essig, Hunter
 NOES 0

EXTRA ITEM - Home Rule Legislation Request - Hotel/Motel Tax:

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

RESOLUTION REQUESTING THE ENACTMENT OF NEW YORK STATE ASSEMBLY BILL #A.9776 AND NEW YORK STATE SENATE BILL #S.7499 FOR THE 2016 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 formally requested 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.9776 and New York State Senate Bill #S.7499 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.9776 and New York State Senate Bill #S.7499 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 3 Sutz, Essig, Hunter
 NOES 0

Received assurance that it should pass again this year and hopefully gov will not veto this year.

V. Board Member Comment:

Supervisor Sutz stated he attended a "Citizen Preparedness Corps Training Program" on May 3 that was sponsored by Governor Cuomo, Senator Bonacic, Assemblyman Skoufis and County Executive Neuhaus. The Citizen Preparedness Corps gives residents the tools and resources to prepare for any type of disaster, respond accordingly and recover as quickly as possible to pre-disaster conditions. The program provided an introduction to responding to a natural or man-made disaster and participants were advised on how to properly prepare for any disaster, including developing a family emergency plan and stocking up on emergency supplies. Free "NYS Disaster Preparedness Kits" were distributed to all that attended containing key items to assist in immediate aftermath of a disaster. He felt this was a great program and is trying to get a session scheduled to be held in Woodbury.

VI. Public Comment:

Sergeant Phillips stated on April 22 the Police Department, with the State Police, executed a search warrant in Highland Mills that was part of a three month joint investigation on heroin sales in Woodbury. The individual was charge with several felonies and misdemeanors and was sent to Orange County Jail.

Maria Hunter thanked the Police Department for hosting a RAD (Rape, Aggression, Defense) class for women. She thought it was a great class and would like to see it expanded as much as possible, especially for high school aged females.

VII. Adjournment:

With no further business to discuss or comments received, a motion was offered by Councilman Hunter, seconded by Councilman Essig, to adjourn the meeting at 8:10PM.

ADOPTED AYES 3 Sutz, Essig, Hunter
 NOES 0

Desiree Potvin, Town Clerk