

Minutes of the Town Board Meeting held at Town Hall on July 20, 2017 at 7:30PM

Present: David Sutz, Supervisor
Timothy Arone, Michael Essig, Robert Hunter and Frank Palermo, Councilmen
Absent: None
Also Present: Kevin Watson, Police Chief; Tracy Maggio, Clerk to the Supervisor; Joseph Gianzero, Parks Director; Pamela Gambuti, Animal Control Officer; John Smith, Parks Commissioner; Sandra Capriglione and Maria Hunter, Village Planning Board; Anthony Cordone and Michael McGinn, Monroe Town Council

I. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Hunter, seconded by Councilman Palermo, to accept the minutes of the meeting held July 6, 2017.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
NOES 0

b. Approval of Abstract:

Motion was offered by Councilman Essig, seconded by Councilman Palermo, to approve Abstract 13 containing vouchers 20171180-20171283 and 20171295 (voiding voucher 20171257 - ck#17892) totaling \$116,634.18.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
NOES 0

II. Old Business:

a. Exchange of Land with Village of Woodbury:

Councilman Arone noted he abstained when this issue was discussed in February because he wanted more time to research and gather additional information. He has since spoken to the Town Engineer and is now comfortable with moving forward. Councilman Palermo stated he does not believe the Board can give Town land away and if the Board wants to move forward he would like a referendum be put forth so the public can vote on the issue. He does not understand why this is an issue since the use of the parks property is addressed in the IMA he negotiated while serving as Acting Supervisor. He is concerned the residents of Harriman that are in the Town of Woodbury are being misrepresented in this transaction and should have a say in the matter. He does not see this as being an advantage to the people of Woodbury. He feels the attorney should have been present this evening to discuss this issue. Councilman Arone stated he spoke with Superintendent Weyant and the Village has budgeted for some minor and major repairs that are needed to the building. Councilman Essig noted he also abstained on this issue in February so further research could be conducted. He is comfortable with moving forward at this time. Councilman Hunter feels the arrangement between the Town and the Village needs to be ironed out so that when issues occur in the future they are clearly defined. Supervisor Sutz stated he spoke to Assessor and determined that all land involved is fully tax exempt so there is no financial impact to the Village of Woodbury, Town of Woodbury or Village of Harriman. The benefit to this exchange is that it will eliminate the double insurance being paid by both entities.

Motion was then offered by Councilman Arone, seconded by Councilman Hunter, to authorize the Supervisor to sign any and all documents relating to a property exchange with the Village of Woodbury as follows, upon final preparation, review and authorization by counsel:

From the Town to the Village - Section 219, Block 5, Lot 21 and a portion of Lot 20 (highway garage and salt shed)

From the Village to the Town - Section 204-1-30 (Earl's Reservoir)

ADOPTED AYES 4 Sutz, Arone, Essig, Hunter
 NOES 1 Palermo

Motion was then offered by Councilman Palermo, to put this issue forth to the public in a referendum. There was no second to this motion. The motion therefore failed.

b. IMA - Monroe Animal Control:

Councilman Hunter asked for details regarding the section that stated the ACO will go to locations within Monroe. It was clarified that a section in the agreements stresses she will do so with reasonable efforts. It was also clarified the agreement includes all areas in the Town of Monroe with the exception of the Village of Kiryas Joel.

Motion was then offered by Councilman Hunter, seconded by Councilman Essig, to authorize the Supervisor to sign an Inter-Municipal Agreement with the Town of Monroe to provide animal control services to them until December 31, 2017.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

Monroe Councilman Cordone thanked all that were involved for their hard work and efforts on this issue.

III. New Business:

a. Third Party Custody Agreement M&T and Lakeland Bank:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to authorize the Supervisor to sign a "Third Party Custody Agreement" with Lakeland Bank and M & T Trust Company.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

b. Resolution - Support A6505/S4630:

Motion was offered by Councilman Hunter, seconded by Councilman Palermo, to adopt the following resolution supporting Assembly Bill A6505 and Senate Bill S4630 as it relates to prohibiting the collocation of certain children's facilities with adult facilities in Erie County:

WHEREAS, the Western New York Children's Psychiatric Center (opened in West Seneca in 1970) takes seriously emotionally disturbed children between the ages of 4 to 18 years old from 19 Western New York counties (Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Herkimer, Livingston, Monroe, Niagara, Ontario, Orange, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming and Yates); and

WHEREAS, despite the significant volume from these 19 counties the Western New York Children's Psychiatric Center has the lowest 30 day and 90 day reinstatement or re-institutionalization rate of any facility in New York State. The costs of long term hospitalization and institutionalization are drastically reduced and eliminated when the readmission rates are low; and

WHEREAS, Governor Cuomo in his 2017 Budget proposed that the West Seneca Children's Psychiatric Center be moved to the Buffalo Psychiatric Center, an adult facility and campus. Moving these children into an adult setting would not be therapeutically beneficial and may in fact be detrimental to the psyches of many of these children; and

WHEREAS, the medicinal and therapeutic benefits of treating and counseling children with mental illnesses in both rural and school settings have been documented in many medical journals and academic papers. The Governor's proposal to place these children in a lock down facility with adults runs counter to science, logic and common sense; and

WHEREAS, the New York State Assembly and Senate unanimously passed A6505 / S4630 which prohibit the collocation of certain children's facilities with adult facilities in Erie County; and

WHEREAS, Governor Cuomo needs to sign this bill and save WNY Children's Psychiatric Center in West Seneca.

NOW THEREFORE BE IT RESOLVED the Town of Woodbury Town Board supports the passage of the above bills in the New York State Legislature and also strongly encourages Governor Cuomo to immediately sign this necessary legislation into law.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

c. Discussion - Transit Orient Development:

Supervisor Sutz noted a request was received from the developers of the Gardens at Harriman Station Transit Orient Development, which application is currently before the Village Planning Board. They are seeking funding assistance through the NYS Consolidated Funding Application. They are asking for a letter from the Town Board for their project to be attached to the grant application. The Gardens of Harriman Station is a 130-acre transit-oriented development to be built by the Harriman Metro North Train Station that will include residential and commercial units as well as infrastructure, parks, community centers and more. No action is needed by the Town Board but Supervisor Sutz wanted to know if the letter to be sent should be written from the Town Board's or just from him as Supervisor. It was noted one of the developer, Neil Gold, was supposed to attend this evening but couldn't due to a death occurring in his family. Councilman Hunter stated he abstains from this issue. Councilman Arone stated he is supportive as long as it does not bind the Village to anything and Councilman Essig agreed. Councilman Palermo stated he also is supportive of the idea but would have liked to be able to speak with the developers and it would have been respectfully of them to meet with the Board. Based on the comments received, a letter of support will be mailed.

EXTRA ITEM - Schedule Public Hearing Regarding Grant Application:

Motion was offered by Councilman Essig, seconded by Councilman Palermo, to schedule a public hearing to be held at 7:30PM on August 3, 2017 to obtain public input on a NYSDOT 5310 grant application being submitted to purchase and utilize new buses in order to accommodate all elderly and disabled residents of the Town of Woodbury.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

IV. Department Reports:

a. Supervisor's Report - May and June 2017

Motion was offered by Councilman Hunter, seconded by Councilman Arone, to approve the May 2017 Supervisor's Report with receipts totaling \$310,195.27 and disbursements totaling \$993,957.79.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

Motion was then offered by Councilman Arone, seconded by Councilman Essig, to approve the June 2017 Supervisor's Report with receipts totaling \$230,589.07 and disbursements totaling \$792,978.80.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

b. Town Clerk's Report - May and June 2017

c. Buildings/Grounds Report - May/June 2017

d. Animal/Goose Control Report - May and June 2017

e. Police/Communications Report - May and June 2017

- f. Police Commissioners Minutes - None Received
- g. Beautification Committee Minutes - July 13, 2017
- h. Library Minutes - May 30 and June 28, 2017
- i. Parks/Recreation Minutes - May 16 and June 20, 2017
- j. Budget vs. Actual - May and June 2017

V. Public Comment:

Jacqueline Hernandez asked why the property exchange issue would not go before the public for a vote. Supervisor Sutz stated the land is not being sold and it is not leaving Woodbury. He believes it makes sense for the highway garage/salt shed property to be owned by the Village of Woodbury since they are the entity that administers the Highway Department. The Village owns 123 acres of land at the park, which includes the reservoir, so it also sense that property be owned by the Town.

Juana Leandry asked if the land coming from the Village to the Town will be used to create more park space. Supervisor Sutz stated it is already part of the parks system but will now be under the Towns control. Mrs. Leandry then thanked the Board for adopting the resolution regarding the children services.

John Smith commended Robert Blair and the Buildings/Grounds Department for the excellent job they did at the Burke Pool to the stairs to the tennis court. It was an excellent job and it is really appreciated.

Maria Hunter, as Chairperson of the Beautification Committee, thanked Diane Marrone and Robert Anzalone for weeding in front of Town Hall. She noted the other focus areas in Town will be addressed. As Planning Board Chairperson, she announced at the August 2 meeting continued discussion will be held on the Gardens at Harriman Station/Transit Orient Development scoping document and all are welcome to attend and listen to the presentation. She noted it is a very large project and all the rules will be followed as the application proceeds through the process. She noted she has always informed the Board when projects are before the Planning Board and asked for their input.

Justin Hunter stated he feels the discussion held this evening regarding the land swap with the Village was made into a larger issue then it should have been. The land is Woodbury land and each municipality should have ownership of the property they have departments for. He feels Councilman Palermo have time and again spoken out against the Village and made it difficult to get things done. When the Parks Commission came before the Town Board a few months ago to erect a year-round building to provide more activities for the children of the community, Mr. Hunter noted Councilman Palermo was adamantly against it and made a dent in the progress of it, which he feels it not right. He feels the negative comments are unnecessary and that electioneering should be kept out of Town business. Councilman Palermo stated the Highway property is also owned by the residents of the Village of Harriman that are in the Town of Woodbury. He feels giving the property to the Village of Woodbury does not properly represent those residents. With regards the construction of new building at Earls Reservoir, he believes he made the motion to move forward with the project but the current supervisor held off going out to bid due stating an appraisal of the property needs to be done. Councilman Palermo added he also insisted the building be constructed with bathrooms and a kitchen.

VI. Board Member Comment:

Councilman Hunter congratulated Officer Jahn Farrell and Canine Zeek for graduating near the top of their class at canine school. He thanked the Parks Commission and Buildings/Grounds

Department for getting both parks open and ready for the season. Councilman Arone stated Kids Day at the Rez was fabulous and he thanked those that volunteered to be in the dunk tank. He also congratulated Officer Farrell and Canine Zeek. Councilman Palermo thanked those that participated at Kids Day, especially those that were successful in dunking him while he was in the dunk booth. Councilman Essig thanked the Parks Department for Kid's Day, adding it was a great event.

Supervisor Sutz acknowledged that he did delay the work on the new building at Earl's Reservoir until ownership was clarified, which it has been. With regards to the Village of Harriman, since the properties are municipally owned no taxes are paid on them and therefore, no financial impact will occur. He then recognized Rick Walls for his dedication and commitment to our military. He is part of a group hosting an "Iron Man" competition this weekend. He also assisted in organizing a food fundraising event for the families of the military personnel that lost their lives in a plane accident earlier this month. He recognized Colleen Pearce from Jay's Deli for donating the food as well.

VII. Executive Session:

Motion was offered by Councilman Essig, seconded by Councilman Arone, to enter into an executive session pursuant to Public Officers Law Section 105(1)(f) to discuss one item relating to the employment history of a particular person.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

VIII. Adjournment:

With no further business to discuss, a motion was offered by Councilman Palermo, seconded by Councilman Arone, to end the executive session and adjourn the meeting at 9:30PM.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

Desiree Potvin, Town Clerk