

Minutes of the Town Board Meeting held at Town Hall on November 2, 2017 at 7:30PM

Present: David Sutz, Supervisor  
Robert Hunter and Frank Palermo, Councilmen  
Absent: Timothy Arone and Michael Essig, Councilmen  
Also Present: Joseph McKay, Attorney for the Town; Kevin Watson, Police Chief; Joseph Gianzero, Parks Director; Eileen Sutherland, Account Clerk; Tracy Maggio, Clerk to the Supervisor; John Smith, Parks Commissioner; Timothy Egan, Village Trustee; Sandra Capriglione and Maria Hunter, Village Planning Board

**I. Public Hearing:**

a. Fiscal Year 2018 Preliminary Budget:

A public hearing was held to entertain public comments on the adoption of the Fiscal Year 2018 budget. The notice was printed in the Times Herald Record on October 25, 2017 and shows the following salaries for the elected officials: Town Supervisor \$33,000; Town Clerk \$64,000; Town Judges (2) \$31,415; Councilmen (4) \$10,000; Tax Collector \$16,480. The following comments were received:

Supervisor Sutz provided an overview of the budget as proposed. He noted there is a decrease in the budget by \$424,809.21 from last year. He noted this is the second year in a row that taxes will be decreasing.

James Freiband made the following comments:

- A7110.103 why is there zero budgeted? Supervisor Sutz noted it has been combined with a similar, like item. This has occurred in a number of locations.
- A7510.100 has funds budgeted for 2018 but there has been no money spent year to date. Supervisor Sutz stated this line-item is paid every December.
- L3840 why is it reduced so much? Supervisor Sutz stated the 2017 figure accounts for a grant that was received.
- Why was the debt not transferred to the Village when the Water/Sewer was transferred? NYS Village Law dictates how assets and debt is to be handled when a Village is formed and a district ceases to exist. Mr. Freiband stated both municipalities have debt limits and this existing debt will affect what the town will be permitted to bond. It will also permit the Village to borrow more money which will be imposed upon the taxpayers.
- Will written comments be accepted? He has data from 2014 that he would like to present to the full Board and he is concerned that only three are present this evening. He believes it is important to compare 2014 to 2018 to show how taxes are moving in this town. He acknowledged the Town taxes are moving down but not the community taxes. He added this is a high priority and all five board members need to hear what he has to say on behalf of the community.

Jacqueline Hernandez made the following comments:

- B3120.415 in 2016 had \$70 budgeted and in 2017 \$30K budgeted but 2018 has \$70K budgeted. Why? Supervisor Sutz stated this line-item pertains to all legal cost expenses relating to the Police Department (labor and litigation).
- SR8960.402 shows \$0 paid year to date but there are funds budgeted for in 2018. Why? Supervisor Sutz stated this line-item is paid in December.
- A7110 has several areas that were decreased and she asked if this was due to a decrease in services. Supervisor Sutz noted some line-items were merged since they were repetitive. In addition, the day camp figures are based on enrollment data. Mrs.

Hernandez asked what happens to any unused funds and Supervisor Sutz stated it is put back into the General Fund and appropriated in the next year's budget.

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

**ADOPTED** AYES 3 Sutz, Hunter, Palermo  
NOES 0

Councilman Palermo stated he feels the entire Board should be present to vote on the budget and Councilman Hunter agreed. The vote will be scheduled for the November 16 meeting.

## II. Administrative Business:

### a. Acceptance of Minutes:

Motion was offered by Councilman Hunter, seconded by Councilman Palermo, to accept receipt of the minutes of the meeting held October 19, 2017.

**ADOPTED** AYES 3 Sutz, Hunter, Palermo  
NOES 0

### b. Approval of Budget Modification:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve a modification to the budget of the Police Department by decreasing B9015.800 (Retirement Police) by \$5600, B9061.800 (Dental Insurance) by \$3600 and increasing B3120.411 (Office Supplies) by \$2200, B3120.416 (Uniforms) by \$7000.

**ADOPTED** AYES 3 Sutz, Hunter, Palermo  
NOES 0

### c. Approval of Abstract:

Motion was offered by Councilman Hunter, seconded by Councilman Palermo, to approve Abstract 19 containing vouchers 20171845 - 20171939 and totaling \$345,934.45.

**ADOPTED** AYES 3 Sutz, Hunter, Palermo  
NOES 0

### EXTRA ITEM - Tax Certiorari - CML Properties:

Motion was offered by Councilman Hunter, seconded by Supervisor Sutz, to adopt the following resolution authorizing the settlement the following matters: (i) CSL III, LLC v Town of Woodbury (municipal corporation), its assessor and board of assessment review (years 2011, 2012, 2013, 2014, 2015 & 2016; and (ii) Chaim Babad v Town of Woodbury, its assessor and Board of Assessment Review (2017); and execute any necessary documents pursuant to the settlement:

**WHEREAS**, actions were filed by CSL III, LLC and Chaim Babad pursuant to Article 7 of the New York Real Property Tax law challenging the 2011, 2012, 2013, 2014, 2015, 2016 & 2017 tax assessments applied against a certain parcel owned by CSL III, LLC during the years 2011-2016 and Chaim Babad in the year 2017 located in the Town of Woodbury identified on the tax maps and assessment rolls of the Town of Woodbury as Section 226, Block 1, Lot 81.1; and

**WHEREAS**, the Petitioners respectively sought the following reductions:

- in the 2011 assessment a reduction from \$777,300.00 to \$210,000.00 a proposed reduction of \$567,300.00;
- in the 2012 assessment a reduction from \$777,300.00 to \$210,000.00 a proposed reduction of \$567,300.00;
- in the 2013 assessment a reduction from \$777,300.00 to \$210,000.00 a proposed reduction of \$567,300.00;

- in the 2014 assessment a reduction from \$777,300.00 to \$210,000.00 a proposed reduction of \$567,300.00; and
- in the 2015 assessment a reduction from \$777,300.00 to \$210,000.00 a proposed reduction of \$567,300.00; and
- in the 2016 assessment a reduction from \$777,300.00 to \$210,000.00 a proposed reduction of \$567,300.00; and
- in the 2017 assessment a reduction from \$777,300.00 to 250,200.00 a proposed reduction of \$527,100.00; and

**WHEREAS**, the Town Assessor, after performing a detailed analysis of the above-referenced assessments and the offers and counteroffers which had been proposed with regard to Section 226, Block 1, Lot 81.1 proposed the following:

- the 2011 & 2012 assessment remains as is and the petitions be dismissed in their entirety; and
- the 2013 & 2014 assessments be reduced by \$77,700.00 resulting in new assessments of \$699,600.00; and;
- the 2015, 2016 & 2017 assessments be reduced by \$164,300.00 resulting in new assessments of \$613,000.00

**WHEREAS**, the new assessments would result in a refund to the Petitioner of approximately:

- 226-1-81.1 2011 & 2012 no refund
- 226-1-81.1 2013 School, \$4,622.76 +/-; Town, \$0 +/-; County, \$0 +/-; Village, \$0 +/-;
- 226-1-81.1 2014 School, \$4,530.90 +/-; Town, \$1,323.43 +/-; County, \$6,883.85 +/-; Village, \$212.46 +/-;
- 226-1-81.1 2015 School, \$9,893.84 +/-; Town, \$2,130.85 +/-; County, \$6,848.79 +/-; Village, \$293.96 +/-;
- 226-1-81.1 2016 School, \$9,716.48 +/-; Town, \$2,933.28 +/-; County, \$7,135.61 +/-; Village, \$1,187.80 +/-; and
- 226-1-81.1 2017 School, \$10,185.67 +/-; Town, \$2,181.65 +/-; County, \$7,030.45 +/-; Village, \$1,095.72 +/-.

**WHEREAS**, Petitioners CSL III, LLC and Chaim Babad are willing to accept the reduction proposed by the Town Assessor and have 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 herein; 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 to execute the stipulation of settlement and any other necessary documents on behalf of the Town of Woodbury.

**ADOPTED**      AYES    3            Sutz, Hunter, Palermo  
                      NOES    0

**III. Old Business:**

a. Schedule Interviews - Upcoming Expiring Terms:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to schedule a special meeting to be held on November 20, 2017 at 7PM to hold an executive session to conduct

interviews for upcoming expiring terms on the Parks and Recreation Commission, Board of Assessment Review, Library Board and Beautification Committee.

**ADOPTED**      AYES    3            Sutz, Hunter, Palermo  
                     NOES    0

b. Authorize Supervisor to Sign - O&R Energy Saving Plan for Senior Center/HM Library:

Supervisor Sutz stated at the last meeting the Board approved a proposal to upgrade the bulbs and ballasts in Town Hall and the Police Department to LED. He now has a proposal from Orange & Rockland to do the same at the Senior Center/HM Library. Orange & Rockland will pay 52% of the cost for these upgrades (\$4589.74) so the total cost to the Town would be \$4,229.78 (or 5% less if a lump sum payment is made). By doing this upgrade, the estimated annual savings are \$4,001. Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to authorize the Supervisor to sign the proposal with Orange & Rockland to upgrade the lighting at the Senior Center/HM Library and to make the lump sum payment.

**ADOPTED**      AYES    3            Sutz, Hunter, Palermo  
                     NOES    0

#### **IV. New Business:**

a. Signing of Tax Collector/Deputy Tax Collector Bond:

The Board members present signed the bond for the Tax Collector/Deputy Tax Collector for the collection of property taxes in 2018. This is required to be filed with the County Clerk in order for the collection warrant to be issued.

#### **V. Public Comment:**

Matt Higgins stated he was watching News 12 and it had a segment on Woodbury Junction which he feels is an embarrassment to our community. He asked Mayor Queenan to write to State officials and is not sure if the Town has done anything. He suggested the Police Department handle the issues they are having there since they are a great department. He stated we have prejudice and discrimination occurring there. He stated they are allowed to do all this building and in February they had five dumping tickets and two storm quality tickets. He stated these places are only bought by some individuals that belong to a certain religious group and it is not fair to anyone. He asked what if this was white people and they wanted to keep all the black people out.

John Smith asked for more information about the tax certiorari settlement approved this evening. Attorney McKay explained the entities challenged their assessment and this was the negotiated settlement.

Maria Hunter thanked the Beatification Committee for the decorations this past Halloween season. She also thanked Councilman Hunter and Justin Hunter for their work. She then acknowledged the Parks Department for the great Halloween event they hosted on October 28. She feels the day was well attended and very impressive.

#### **VI. Board Member Comment:**

Clerk Potvin reminded all the changes in polling/election locations. She also thanked the Chamber of Commerce for the Trunk of Treat event which was very well attended.

Councilman Hunter thanked the chamber for a great event and also thanked all the employees that participated and helped out.

Councilman Palermo reminded all to vote next week so that you are heard.

Supervisor Sutz also reminded all to come out to vote and show Albany that Woodbury is a voting force. He then thanked the Police Department for their Halloween patrolling and being present during Trunk or Treat.

**VII. Executive Session** *(if needed):*

Supervisor Sutz noted the Board will be entering into a closed session with Attorney McKay after adjourning the meeting.

**VIII. Adjournment:**

With no further comments received or business to discuss, a motion was offered by Councilman Palermo, seconded by Councilman Hunter, to adjourn the meeting at 8:20PM.

<b>ADOPTED</b>	AYES	3	Sutz, Hunter, Palermo
	NOES	0	

Desiree Potvin, Town Clerk