

Minutes of the Town Board Meeting held at Town Hall on March 15, 2012 at 7:30PM

Present: John Burke, Supervisor
Timothy Arone, Frank Palermo, Marilyn Prestia and James Skoufis, Councilpersons
Absent: None
Also Present: Richard Liberth, Attorney for the Village; Robert Weyant, Highway Superintendent;
Maria Hunter, Village Planning Board

I. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to accept the minutes of the regular meeting held March 1, 2012.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
NOES 0

Motion was then offered by Councilman Skoufis, seconded by Councilman Palermo, to accept the minutes of the worksession held March 12, 2012.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
NOES 0

b. Approval of Abstract:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve Abstract 6 which contains Vouchers #20120489 - #20120616 (vouchers 20120612 and 20120614 were reversed and check #6638 was voided) totaling \$297,989.67.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
NOES 0

c. Budget Modification:

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to approve a modification to the budget of the General Fund by increasing A599 (Appropriated Fund Balance) by \$2792 and increasing A3020.400 (Emergency Notification) by \$2792.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
NOES 0

Motion was then offered by Councilman Palermo, seconded by Councilman Arone, to approve a modification to the budget of the Town Board by decreasing A1010.400 (Town Board Contractual Expense) by \$200 and increasing A1010.430 (Transportation & Travel) by \$100 and A1010.444 (Schools & Dues) by \$100.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
NOES 0

II. Old Business: There was no old business to discuss.

III. New Business:

EXTRA ITEM – Sponsoring of Annual Spring Clean-Up Day:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to sponsor the 3rd Annual Spring Clean-Up day scheduled for April 28, 2012.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
NOES 0

a. Resolution – Route 32 Improvements Timeline:

Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to adopt the following resolution opposing the New York State Department of Transportation’s delay of the improvements to the Exit 131 - Route 32/17/6 corridor project:

WHEREAS, regional elected officials, concerned citizens, and organizations spent the better part of a decade joining with the New York State Department of Transportation (herein, “NYSDOT”) to develop a plan to improve the Thruway/Route 32/Route 17 corridor in the Town of Woodbury; and

WHEREAS, an improvement plan was approved by the NYSDOT and Stage 2 – Pin # 800684 – was slated to begin in 2013; and

WHEREAS, it was recently learned that the NYSDOT has pushed the start date back to 2017 due to, what they consider, lack of sufficient funds for their current project list; and

WHEREAS, the traffic that is experienced in this interchange includes not only the shoppers of Woodbury Common Premium Outlets, which is one of the single greatest sales tax revenue generators in the state, but also individuals accessing the NYS Thruway, Route 17 (also known as Interstate 86), drivers experiencing the beautiful, season changing scenery, other retail stores in the area and many school and community events; and

WHEREAS, the traffic that currently persists at the interchange is a tremendously negative quality of life issue; and

WHEREAS, EMS vehicles have been delayed by unacceptable lengths of time due to the traffic at the interchange, resulting in a serious public safety issue.

NOW, THEREFORE, BE IT

RESOLVED by the Town of Woodbury Town Board to strongly oppose the NYSDOT’s decision to delay the start of the above improvement project from 2013 to 2017. Likewise, given the clauses above, the Town of Woodbury Town Board believes the improvement project should be one of the State’s highest priorities and the start date be returned to its original timeframe.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
 NOES 0

It was noted that a copy of this resolution will be forwarded to all representatives of Orange County on the federal and state levels as well as the County Executive, Woodbury’s County Legislators, the Towns of Monroe and Blooming Grove, and the Villages of Harriman, Monroe, South Blooming Grove and Woodbury.

b. Resolution – Costs of Elections:

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to adopt the following resolution supporting the consolidation of elections and associated costs:

WHEREAS, the costs of presidential, primary and general elections have increased dramatically over the past five years; and

WHEREAS, these increased costs have become burdensome, unfunded mandates to local municipalities in a time of shrinking revenues; and

WHEREAS, there is no public benefit to holding multiple primaries in New York State due to potential low voter turnout; and

WHEREAS, many municipalities, including Woodbury, budgeted for the predicted three elections to be held in 2012 as the June special federal election was not known at budget time.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Woodbury does hereby:

1. Oppose multiple primary elections held in 2012.

2. Requests financial assistance from New York State and/or Orange County to fund these multiple primary elections and/or to cover any local election budget shortfalls, as a result of the State's decision to have multiple primaries in 2012.
3. Encourages our state leaders to consolidate the federal and state primary elections to the scheduled June primary to lower the amount of proposed primaries, saving taxpayers money.
4. Requests a change in state law to allow for the placement of Election inspectors by polling location rather than election district which would save taxpayer money.
5. Encourages our state and county leaders to reform election law to allow for more local control.

and be it further

RESOLVED that a copy of this resolution be sent to New York State Governor Andrew Cuomo, both Commissioners of the Orange County Board of Elections, Commissioner of the New York State Board of Elections, Orange County Executive Edward Diana, Orange County Legislative Chairman Michael Pillmeier, Orange County Legislators Michael Amo, Roxanne Donnery and Kevin Hines, New York State Senator William Larkin and New York State Assemblywoman Nancy Calhoun.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
 NOES 0

Councilman Arone stated he had read that County Executive Diana was considering bringing the election costs back to the County level. Supervisor Burke stated the Orange County Association of Towns, Cities and Villages, as well as the Orange County Town Clerks, have always been opposed to the election costs being charged to the individuals municipalities. Councilman Palermo noted that the Board was aware of these costs at budget time. Councilman Skoufis stated late last night the State Assembly passed a bill to change the State Primary Election to June but it does not appear that the Senate will entertain the issue.

c. Home Rule Request – Hotel/Motel Tax:

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to adopt the following resolution:

RESOLUTION REQUESTING THE ENACTMENT OF NEW YORK STATE ASSEMBLY BILL #A.2766 FOR THE 2012 LEGISLATIVE SESSION AUTHORIZING THE TOWN OF WOODBURY TO IMPOSE A HOTEL AND MOTEL TAX IN THE TOWN OF WOODBURY.

WHEREAS, the Town of Woodbury, Orange County, New York, has made a 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.2766 which Bill authorize the imposition of a hotel and motel tax in the Town of Woodbury; and

WHEREAS, the Town Board of the Town of Woodbury wishes to express its support for the passage of Assembly Bill #A.2766 and to authorize the transmittal of such support to both houses of the New York State Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Woodbury requests the enactment of New York State Assembly Bill #A.2766 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 BY ROLL CALL AS FOLLOWS

Supervisor Burke	AYES
Councilman Arone	AYES
Councilman Palermo	AYES
Councilwoman Prestia	AYES
Councilman Skoufis	AYES

d. Home Rule Request – Consolidation of Government:

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

RESOLUTION REQUESTING THE ENACTMENT OF NEW YORK STATE ASSEMBLY BILL A3107 AND NEW YORK STATE SENATE BILL S4223 FOR THE 2012 LEGISLATIVE SESSION WHICH WILL ALLOW THE VILLAGE OF WOODBURY AND THE TOWN OF WOODBURY TO FORM A CONSOLIDATED GOVERNMENT ENTITY BY A JOINT CONSOLIDATION AGREEMENT, EXCEPT THAT THE NEW GOVERNMENTAL ENTITY TO SURVIVE SHALL BE THE TOWN OF WOODBURY (including the existing incorporated village of Harriman) AND SUCH TOWN SHALL HAVE ALL THE POWERS, DUTIES AND OBLIGATIONS OF A GOVERNMENT UNDER TOWN LAW, HOWEVER NO ADDITIONAL VILLAGES MAY BE FORMED WITHIN THE TOWN LIMITS.

WHEREAS, the Town of Woodbury, Orange County, New York, has made a request for the enactment of certain "Home Rule" Legislation by the New York State Legislature authorizing the consolidation of the Town and Village of Woodbury to create the Town of Woodbury, leaving the incorporated Village of Harriman intact but prohibiting any new villages from being formed within the town limits; and

WHEREAS, pursuant to that "Home Rule" request, there has been introduced in the New York Assembly Bill A3107 and New York Senate Bill S4223; and

WHEREAS, the Town Board of the Town of Woodbury wishes to express its support for the passage of Assembly Bill A3107 and New York Senate Bill S4223 and to authorize the transmittal of such support to both houses of the New York State Legislature.

NOW, THEREFORE, IT IS

RESOLVED, that the Town Board of the Town of Woodbury requests the enactment of New York State Assembly Bill A3107 and New York Senate Bill S4223 authorizing the consolidation of the Town and Village of Woodbury to create the Town of Woodbury, leaving the incorporated Village of Harriman intact but prohibiting any new villages from being formed within the town limits; 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 BY ROLL CALL AS FOLLOWS:

Supervisor Burke	AYES
Councilman Arone	AYES
Councilman Palermo	AYES
Councilwoman Prestia	AYES
Councilman Skoufis	AYES

IV. Department Reports:

a. Supervisor's Report:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to approve the Supervisor's Report for February 2012 with receipts totaling \$4,851,841.98 and disbursements totaling \$845,176.73.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
 NOES 0

- b. Town Clerk's Report – February 2012
- c. False Alarm Report – January 2012
- d. Parks/Recreation Minutes – None Received
- e. Animal/Goose Control Report – February 2012
- f. Police/Communications Report – February 2012
- g. Beautification Commission Minutes – February 14, 2012
- h. Library Minutes – January 31 and February 28, 2012
- i. Budget vs. Actual – February 2012

V. Public Comment:

Supervisor Burke requested Maria Hunter, Chairwoman of the Beautification Commission, to give an update on the status of the Oak Clove Memorial sign. Mrs. Hunter stated she has been asked by a number of residents where the sign is. It has been removed and is being refurbished by the Highway and Buildings/Grounds Departments. The sign will be re-erected in time for the Memorial Day parade. The Highway Department has funded the improvements thus far and the Beautification Commission will be purchasing a new globe for the light. Superintendent Weyant noted the sign will be erected on a new base that will raise it two feet. At a future date the arches will be reinstalled from the sign to the pillars on either side of the road. Supervisor Burke acknowledged the enthusiasm of the highway workers while they worked on this project. He noted they have made it a personal goal to ensure it is done right and have taken great pride in it as well.

William VanWinkle stated the residents of Morgan Court are still facing drainage issues and he asked for an update on the project. Supervisor Burke stated he is still waiting for information from the owner, engineer or contractor. Attorney Liberth was asked to reach out to the owner's attorney and as of this afternoon there has been no response. It was made very clear that a final plan was to be submitted to the Town's engineer and Highway Superintendent to review and approve. Once that is done, a bond will need to be posted, which the engineer has recommended should be \$40-\$50,000, to ensure the system does not fail. There is more work that needs to be done, including the elevation to cause water to flow out the other side rather than gather in puddles. There is also the issue of the pipe, that is either clogged or crushed, that runs along the rear of the properties along Morgan Court. He was under the impression the contractor was taken that onto himself or with the homeowners.

Robin Crouse thanked the Town Board for the resolution adopted this evening regarding the Route 32 improvement project. She noted that the grassroots effort continues and Supervisor Burke acknowledged that a petition is being circulating, which is appreciated.

John Smith stated he is quite disappointed that the Board is continuing to pursue the consolidation of government through home rule. He feels the Village already provides protection to our quality of life and that the consolidation is not necessary. He is aware the Senate passed the legislation last year and feels if the Assembly passes it this year, the lawsuits served would be great. He concluded by stating he is disappointed the new Board members have supported this issue.

Councilman Palermo requested an update on the repairs to County Route 105. Superintendent Weyant stated he spoke with the County DPW last week and part 1 of the road is almost completed and part 2 is 70% done. Part 3, which is the last section and the one with the most damage, will begin soon. They continue to work ten hour shifts, five days a week. Councilman Palermo asked if the blacktopping

will begin early this year since the weather has been good and Superintendent Weyant stated currently two of the three plants have already opened. The Newburgh location has not opened yet, which is where most entities in this area get their blacktop.

8:15PM – Executive Session:

Motion was offered by Councilman Palermo, seconded by Councilman Skoufis, to enter into an executive session pursuant to the Article 7 of the Public Officers Law to discuss one item of litigation regarding a tax certiorari.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
 NOES 0

Councilman Skoufis left during the executive session and no minutes were recorded.

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to end the executive session and return to open session at 8:42PM.

ADOPTED AYES 4 Burke, Arone, Palermo, Prestia
 NOES 0

Motion was then offered by Supervisor Burke, seconded by Councilman Arone, to authorize the attorney to settle the Rutherford Chemicals tax certiorari.

ADOPTED AYES 4 Burke, Arone, Palermo, Prestia
 NOES 0

VI. Adjournment:

With no further business to discuss or comments received, a motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to adjourn the meeting at 8:45PM.

ADOPTED AYES 4 Burke, Arone, Palermo, Prestia
 NOES 0

Desiree Potvin, Town Clerk