

Minutes of the Town Board Meeting held at Town Hall on December 19, 2013 at 7:30PM

Present: John Burke, Supervisor
Timothy Arone, Frank Palermo and Marilyn Prestia, Councilpersons
Absent: None
Also Present: Robert Hunter, Councilman-Elect; Robert Weyant, Highway Superintendent; Richard Vasquez, Police Chief; Joseph McKay, Attorney for the Town; Maria Hunter, Village Planning Board

I. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Arone, seconded by Supervisor Burke, to accept the minutes of the regular meeting held December 5, 2013.

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

Motion was then offered by Councilman Palermo, seconded by Councilwoman Prestia, to accept the minutes of the worksession held December 16, 2013.

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

b. Approval of Abstract:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve Abstract 23 containing vouchers 20132604 – 20132748 and totaling \$289,205.65.

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

c. Budget Modifications:

Motion was offered by Councilman Palermo, seconded by Supervisor Burke, to approve a modification the budget of the Senior Center by decreasing A7620.400 (Adult Recreation Contractual Expense) by \$1600 and increasing A7620.200 (Equipment/Furniture) by \$700 and A7620.469 (Kitchen/Food Supplies) by \$900.

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

Motion was then offered by Councilman Palermo, seconded by Councilwoman Prestia, to approve a modification to the budget of the Parks Department by decreasing A7110.100 (Parks Personal Service) by \$3910 and A7110.424 (Lifeguarding Classes) by \$1000 and increasing A7110.462 (Repairs/Material Replacement) by \$4910.

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

Motion was then offered by Councilwoman Prestia, seconded by Councilman Palermo, to approve a modification to the budget of the Assessor's Office by decreasing A1355.462 (Article 7 Appraisals) by \$3000 and A1355.465 (Rolls & User Fees) by \$43 and increasing A1355.200 (Assessor Equipment) by \$600, A1355.411 (Office Supplies) by \$2400 and A1355.454 (Advertising) by \$43.

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

Motion was then offered by Councilman Palermo, seconded by Councilman Arone, to approve a modification to the budget of the Registrar by decreasing A4020.400 (Registrar Vital Statistics Cont.) by \$500 and increasing A4020.100 (Registrar Vital Statistics Personal Services) by \$500.

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

d. Appointment of Part-Time Real Property Data Collector:

Motion was offered by Supervisor Burke, seconded by Councilwoman Prestia, to appoint Margaret Padilla as a part-time Real Property Data Clerk effective January 2, 2014 at a rate of \$16.45 per hour (UPSEU Salary Schedule Grade II-A).

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

e. Appointment of Full-Time MEO:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to appoint Stephen Morea as a full-time MEO effective January 2, 2014 at a rate of \$25.09 per hour (UPSEU Salary Schedule Grade III).

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

Councilman Palermo thanked Mr. Morea for attending the meeting.

f. Return of Road Opening Permits:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to return road opening permits posted by Bill Walker (Milval Lane vacant lot), Raymond Frank Jr. (Abrams/Stone Gate), Kevin DeClerk (Roselawn/Burrows) and TLT Land Development (10 Florence Drive), as recommended by Highway Superintendent Robert Weyant.

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

II. Old Business:

a. OCCD FY2014 Award Notice – Senior Center/Library Roof:

Supervisor Burke announced that the Town has been awarded a \$50,000 grant from the FY2014 Orange County Community Development program. The grant is for improvements to the Senior Center/Library roof. Councilman Palermo acknowledged Councilwoman Prestia since she was the person that noticed the roof needed to be replaced.

b. Bid Default – Award to Next Bidder – Buildings/Grounds Truck:

Clerk Potvin noted the low bidder that was awarded the purchase of a new truck for the Buildings/Grounds Department at the December 5 meeting has defaulted. West Herr telephoned her on December 11, 2013 after receiving their letter of award reminding them of the delivery deadline. They informed her they had sold the vehicle that they supplied the bid for. They could order a new one but it would not meet the deadline. This is the second time that West Herr has defaulted on a bid with the Town. A note has been made that all future bids will not be accepted by this vendor due to past experience. The next lowest bid is Robert Green in the amount of \$40,913.00 and she has confirmed they still have the vehicle and can meet the deadline. Motion was offered by Councilman Arone, seconded by Councilman Palermo, to declare the bid from West Herr in default and award the bid to Robert Green in the amount of \$40,913.00.

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

III. New Business

a. Resolution – Purchase of Real Property/Easement Agreement:

Supervisor Burke stated that this item was planned to be discussed at the last meeting but he asked that it be tabled until the attorneys were satisfied that all the paperwork was in place. He noted there are two parcels being purchased totaling 19.11 acres. The two parcels are contiguous with one having an entrance off of Route 32 and the other having an entrance off of Roselawn Road.

Attorney McKay distributed the following: 1) a resolution to be adopted, 2) a SEQRA referral form and 3) Short Environmental Assessment Form. The Board is required to comply with SEQRA which requires the Town Clerk to inform other interested agencies of Board's intention to purchase the property. After the SEQRA time period is met, the Board will then be able to take the next step which would be to declare the effect on the environment, which he believes will be a negative declaration. On October 17 the Board adopted a resolution authorizing the Supervisor to negotiate and enter into a contract to purchase the property from seller. Since then his office has been in negotiations and during the discussion it became clear that an easement would be needed concerning maintenance of one of the private roadways. The resolution being entertained this evening restates the information set forth in the October 17 resolution. The Board will be preliminary classifying this purchase as an unlisted action under SEQRA. The resolution also provides the Supervisor to enter into a contract of sale and to execute a right-of-way and/or maintenance agreement concerning access to the property. The authority given to the Supervisor this evening will be contingent on the following: 1) the Town Board completing SEQRA review by declaring a negative declaration, 2) a title search and review of easement conducted and 3) subject to a permissive referendum. After adoption, the Town Clerk will publish an abstract of the resolution making the public aware of the permissive referendum. Once the Supervisor signs the contract a \$5000 deposit will be made by the Town and a due diligence period will begin to conduct SEQRA and investigate the property. Attorney McKay noted that bond counsel (Robert Smith of Hawkins Delafield Wood) has reviewed the matter and they are prepared to move forward with the BAN documents, which the Board will need to adopt after declaring a negative declaration. It is anticipated this will be done at a January meeting.

Supervisor Burke noted the Board has been involved with this process since the very beginning. The purchase price of the property is \$500,000. The Board has been diligent to make sure the budget will be able to handle it. The last payment for the CV Pond Improvements BAN in the amount of \$175,000 will be made in 2014. The first payment towards the BAN for the purchase of land will be in 2015 for \$100,000. He feels the purchase will have no adverse effects to the budget. The property is in the center of Town and the price is right. After the purchase the Board can discuss future use of the property.

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to adopt the following resolution authorizing the Supervisor to enter into an easement agreement and contract for the purchase of real property:

WHEREAS, the Town has been presented with an offer to purchase real property located at 367 Route 32, in the Town of Woodbury (the "project"); and

WHEREAS, the cost of the purchase price would not exceed \$500,000; and

WHEREAS, the Town Board has determined that the purchase of the real property is in the public interest of the residents of the town; and

WHEREAS, on October 17, 2013, the Town Board of the Town of Woodbury adopted a resolution that determined that it would be the lead agency with respect to the review of the proposed real property purchase (the "project") in accord with New York State Environmental Quality Review Act ("SEQRA") and part 617 of the regulations implementing SEQRA, since there were no other agencies that have the authority to approve the project; and

WHEREAS, the Town Board's resolution of October 17, 2013 preliminarily classified the action as an unlisted action under SEQRA; and

WHEREAS, the Town Board’s resolution of October 17, 2013 authorized the Town Supervisor to negotiate a purchase contract for the project, subject to the performance of a title search and review and approval as to form by counsel for the town; and

WHEREAS, negotiations have now required that the parties enter into an easement agreement or other agreement concerning the use and maintenance of a roadway associated with the project; and

WHEREAS, the project may be subject to a permissive referendum pursuant to the New York State Town Law;

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board hereby authorizes the Town Supervisor, to execute the required agreements, subject to: (1) a permissive referendum pursuant to the New York State Town Law; (2) the issuance of a negative declaration pursuant to the New York State Environmental Quality Review Act (“SEQRA”); (3) the completion of a title search, and due diligence review of the property; and (4) review and approval of the purchase contract, easement and/or other required documents as to form and content by the Attorney for the Town; and it is further

RESOLVED, that the Town of Woodbury is hereby authorized to issue a check in the sum of five thousand (\$5,000.00) dollars as and for the down payment under the agreement; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a full copy of the proposed action to all interested agencies; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to post and publish an abstract of this resolution in accordance with New York State Town Law section 90.

ADOPTED BY ROLL CALL AS FOLLOWS:

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

IV. Department Reports:

a. Supervisor’s Report – November 2013

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to approve the Supervisor’s Report for November 2013 with receipts totaling \$554,220.70 and disbursements totaling \$2,523,926.93.

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

b. Town Clerk’s Report – November 2013

c. False Alarm Report – October 2013

d. Parks/Recreation Minutes – December 9, 2013

e. Animal/Goose Control Report – November 2013

f. Police/Communications Report – November 2013

g. Beautification Commission Minutes – No December meeting held

h. Library Minutes – Not Received

i. Budget vs. Actual – November 2013

V. Public Comment

The Board collectively wished all a happy holidays and recognized the efforts of the Highway Department during the recent storm.

Attorney McKay thanked the Board members for allowing the Monroe-Woodbury Mock Trial team to conduct a practice trial at Town Hall. He also thanked Judge Hasin and Judge Levinson for allowing him to use their court room for the practice.

VI. Adjournment:

With no further comments received or business to discuss, a motion was offered by Councilman Palermo, seconded by Councilman Arone, to adjourn the meeting at 8:05PM.

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

Desiree Potvin, Town Clerk