

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

Present: John Burke, Supervisor

Timothy Arone, Frank Palermo and Marilyn Prestia, Councilpersons

Absent: None

Also Present: Richard Liberth, Attorney for the Town; Richard Vasquez, Police Chief; Robert Weyant, Highway Superintendent

I. Public Hearing:

a. Light Improvement District – West Point Farms:

A public hearing was continued from the January 17, 2013 meeting regarding the request submitted to the Town Board to form a Light Improvement District for the West Point Farms development. The following additional comments were received:

Larry Heimowitz stated he moved into this home approximately five years ago and had pleasant dealing with Kenneth Torsoe at that time. When approached he initially agreed to this special district but he is now rescinding his approval. He now feels that it is a burden on his community and that keeping street lights in this neighborhood are part of the taxes that he is already paying. Forming this district he feels is a form of double taxation and he feels it is ethically and morally wrong to pass this cost onto the residents. He noted that a lighting district was never mentioned verbally or in writing when he purchased the home.

Mitchell Maier stated on February 4 he submitted a petition signed by the eight residents currently living in the development which opposes the formation of the proposed lighting district. He then read the entire petition and listed the names of the individuals that signed it. He noted that the extra tax would not affect him financially but it is time to say no to taxes that are unnecessary. He reminded the Board that they were elected into their positions by individuals of this community and they have the responsibility to represent them.

Paul Del Nunzio stated he submitted a letter to the Board shortly after the January 17 public hearing, as requested by one of the Board members. He stressed that he did not understand why the Board was discussing this lighting district if the residents that actually live in the development did not request it. He added that Planning Board approval for this development required to developer to install Orange & Rockland approved lights and he did not do this. He feels that if the Board votes against the formation of this district it would not solve the issue and the developer should be forced to remove the existing lighting and replace it with approved lighting. He stressed that by the developer not disclosing this issue at the time of the sale of this home constitutes fraud. He repeated some of the same issues he stated at the previous meeting. He concluded by stating he feels he is paying taxes for services that he is not receiving.

Rudy Zodda, attorney for West Point Farms Construction Corp and Mr. Torsoe, noted that Mr. Torsoe is not the only developer in this development but he is being lumped together with the others. Only a few of houses in the development were sold by Mr. Torsoe to current residents. If the contract or deed does not mention this lighting district and they purchased their home from someone other than Mr. Torsoe he does not understand how that is fraud on Mr. Torsoe's behalf. He has represented Mr. Torsoe since the beginning of this development and Mr. Torsoe did seek the Town's approval for the lights that he installed and was told that they were approved. He believes it was only recent that it was determined that Orange & Rockland would not maintain these lights. He reminded the Board that Mr. Torsoe has offered to post \$10,000 plus two extra poles to the Town for the maintenance of the lights. It is his understanding that the Town can act upon this request based on the majority of the property owners.

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

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

Supervisor Burke noted the Board has the option now to either approve the formation of the district or to vote against it. He feels enough evidence has been presented for the Board to make a decision. Motion was then offered by Councilman Palermo, seconded by Councilwoman Prestia, to deny the request to form a Light Improvement District for the West Point Farms development received by Kenneth Torsoe.

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

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to accept the minutes of the regular meeting held January 17, 2013.

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

Motion was then offered by Councilman Palermo, seconded by Councilman Arone, to accept the minutes of the worksession held February 4, 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 2 containing Vouchers 20130161 – 20130316 and totaling \$169,752.19.

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

c. Budget Modifications:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve a modification to the 2012 budget of the Highway Fund by decreasing DB5142.466 (Salt/Liquid Calcium) by \$1872 and increasing DB5110.476 (Trees) by \$1861 and DB5110.448 (Miscellaneous) by \$11.

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

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to approve a modification to the 2012 budget of the Highway Department by decreasing A5010.430 (Transportation/Travel) by \$287, A5010.100 (Superintendent of Highways Personal Services) by \$955 and increasing A5010.444 (Schools/Dues) by \$287 and A5010.200 (Equipment) by \$955.

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

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve a modification to the 2012 budget of the General Fund by decreasing A9050.800 (Unemployment Insurance) by \$398 and increasing A1420.414 (Attorney/Other) by \$398.

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

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to approve a modification to the 2012 budget of the Buildings/Grounds Department by decreasing A1620.100 (Buildings Personal Services) by \$880 and increasing A1620.409 (Plumbing) by \$880.

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

Motion was offered by Supervisor Burke, seconded by Councilman Arone, to approve a modification to the 2013 budget of the Buildings/Grounds Department by increasing A599 (Appropriated Fund Balance) by \$2500 and increasing A1620.460 (Reservoir Building) by \$2500.

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

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to approve a modification to the 2012 budget of the Buildings/Grounds Department by decreasing A1620.100 (Buildings Personal Services) by \$7700 and increasing A1620.200 (Equipment) by \$2300, A1620.405 (Custodial Supplies) by \$151, A1620.409 (Plumbing) by \$880 and A1620.452 (Vehicle Repairs) by \$4369.

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

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve a modification to the 2012 budget of the Police Department by increasing B2680 (Insurance Recoveries) by \$3152 and increasing B3120.453 (Vehicle Repairs) by \$3152.

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

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to approve a modification to the 2012 budget of the Assessor's Office by decreasing A1355.100 (Assessor Personal Services) by \$5720, A1355.430 (Transportation/Travel) by \$853 and increasing A1355.462 (Article 7 Appraisals) by \$6500 and A1355.444 (Schools/Dues) by \$73.

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

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve a modification to the 2013 budget of the Supervisor's Office by decreasing A1220.411 (Office Supplies & Equipment) by \$350 and increasing A1220.412 (Service Contracts) by \$350.

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

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve a modification to the 2013 budget of the Library by increasing L599 (Appropriated Fund Balance) by \$3319 and increasing L7410.466 (Expenditures of Donations) by \$3319.

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

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve a modification to the 2012 budget of the General Fund by decreasing A9050.800 (Unemployment Insurance) by \$1353 and increasing A1420.414 (Attorney/Other) by \$1353.

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

d. 2012 Annual Accounting:

Supervisor Burke announced that the Annual Accounting of the 2012 records, as required pursuant to Section 62 of Town Law, was completed this week. He acknowledged Councilwoman Prestia for the time she committed during the process.

e. Acceptance of Resignation – Library Board:

Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to accept, with regrets, the resignation of Stephanie Ross from the Library Board effective immediately.

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

f. Appointment to Library Board:

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to appoint Patricia Coogan to the Library Board, to fill the seat vacated by Stephanie Ross, effective immediately with a term due to expire December 31, 2015.

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

III. Old Business:

a. Association of Towns Resolutions:

Motion was offered by Supervisor Burke, seconded by Councilman Arone, to instruct the Voting Delegate or Alternate Voting Delegate to cast votes of support, on behalf of the Town of Woodbury, on the following issues at the Annual Business Meeting of the Association of Towns to be held on February 20, 2013: 1) Preserve and Strengthen Home Rule; 2) Preserve Land Use Authority for Natural Gas Drilling; 3) Mandate Relief; 4) Publication of Legal Notices; 5) Road Preservation Securities and Agreements; 6) Reinstatement of Funding for School Tax Relief Exemption Administration; 7) Reform Real Property Tax System; 8) Waiver of Asbestos Notification Fees Associated with Municipal Owned Properties; 9) Highway, Bridge and Transportation Funding; 10) Surcharges to Fund Justice Court and Town Prosecutors; 11) Authorize to Charge Gross Receipts Taxes on Utility Bills; 12) Funding Local Costs Associated with Gas Extraction; 13) Preserve Dedicated Funds for Local Purposes.

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

IV. New Business:

a. Support of Foreclosure Bill A88 and A824:

A letter was received from 142nd District Assemblyman Michael Kearns regarding two foreclosures bills before the Assembly (A88 and A828) making it mandatory for banks to provide municipalities with contact information of property managers or other parties responsible for upkeep and maintenance of foreclosed or abandoned properties. Assemblyman Kearns is anticipating opposition to the bills from special interest groups and is asking municipalities to adopt a resolution of support which he hopes “will add depth and resonance to committee deliberations”. Supervisor Burke had forwarded a copy of the correspondence to Village Building Inspector Gary Thomasberger for his comments. Inspector Thomasberger noted that one of the biggest problems he has enforcing the property maintenance code is on foreclosed properties when the “responsible party” is unknown. He suggests the Board support this legislation as it would be helpful to his department.

Motion was offered Supervisor Burke, seconded by Councilwoman Prestia, to adopt the following resolution:

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures to municipalities.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Woodbury Town Board hereby supports the passage of Assembly Bill A.88 and A.828 and respectfully requests Assemblyman James Skoufis and Senator William Larkin to support the passage of these bills as well.

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

V. Public Comment: There was no public comment received.

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 8:20PM.

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

Desiree Potvin, Town Clerk