

Minutes of the Town Board Meeting held at Town Hall on June 20, 2013 at 7:30PM

Present: John Burke, Supervisor
Timothy Arone, Frank Palermo and Marilyn Prestia, Councilpersons

Absent: None

Also Present: Robert Weyant, Highway Superintendent; Richard Vasquez, Police Chief; Maria Hunter, Village Planning Board

EXTRA ITEM – Presentation by Girl Scouts to Police Department:

Councilman Arone stated last month the Police Department hosted Brownie Troop 389 at Police Headquarters. The troop presented Chief Vasquez with a “thank you” sign they made.

I. 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 June 6, 2013.

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

Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to accept the minutes of the worksession held June 17, 2013.

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

b. Approval of Abstract:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to approve Abstract 11 containing vouchers 20131242-20131365 (less voucher 20131242 - check #9630 and voucher 20131355 – check #9624) and totaling \$211,636.82.

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 budget of the General Fund by increasing A599 (Appropriated Fund Balance) by \$4975 and increasing A1620.410 (Building Materials) by \$4975.

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

d. Reschedule July 4 Meeting to July 1:

Motion was offered by Supervisor Burke, seconded by Councilwoman Prestia, to cancel the July 4 regular meeting and conduct all business at the July 1 worksession.

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

II. Old Business:

a. Resolution – Uniform Notice of Claim Act:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to adopt the following resolution designating the New York State Secretary of State as agent for service of a notice of claim:

WHEREAS, the New York State Senate has passed, and the New York State Governor has signed into effect, the Uniform Notice of Claim Act (hereinafter the “Act”); and

WHEREAS, Section Six (§6) of the Act amends the General Municipal Law by adding a new Section Fifty-Three (§53), effective June 15, 2013; and

WHEREAS, New York General Municipal Law §53(2) requires that all public corporations, who are entitled to service of a Notice of Claim as a condition precedent to commencement of an action or proceeding shall file a Certificate with the Secretary of State designating the Secretary of State as agent for service of a Notice of Claim; and

WHEREAS, the Town of Woodbury must file such Certificate with the Secretary of State no later than thirty (30) days of the date upon which General Municipal Law §53 took effect;

NOW, THEREFORE, the Town Board of Town of Woodbury, duly convened in regular session, does hereby resolve as follows:

Section 1. The Clerk of the Town of Woodbury is directed and empowered to: (1) forward to the New York State Secretary of State a Certificate pursuant to General Municipal Law §53, designating the Secretary of State as agent for service of a Notice of Claim where a Notice of Claim is required by law as a condition precedent to the commencement of an action or special proceeding against the Town of Woodbury, or any officer, appointee or employee of the Town; (2) to designate Desiree Potvin, Town Clerk, as the individual to whom the Secretary of State will forward any notices of claim, and (3) to take any and all other actions required to carry out the provisions of this Resolution.

Section 2. This Resolution shall take effect immediately.

ADOPTED BY ROLL CALL AS FOLLOWS:

Supervisor Burke	AYE
Councilman Arone	AYE
Councilman Palermo	AYE
Councilwoman Prestia	AYE

b. Authorize Supervisor to Sign – Change Order #1 Park Pavilion:

Motion was offered by Supervisor Burke, seconded by Councilman Arone, to authorize the Supervisor to sign Change Order #1 for the Park Pavilion project totaling \$300. The reason for the increase, according to the Town Engineer, is for materials and labor to repair the flues.

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

III. New Business:

a. Announcement of Information Meeting – Pipeline and Well Update:

Supervisor Burke announced that the Town Board will be hosting an information meeting to discuss the status of the pipeline and wells involving Kiryas Joel. The meeting will be held at 7:30PM at the Senior Center on June 27, 2013. The public will have the ability to ask questions about the pipeline and the wells just north of the Woodbury town line as you enter Cornwall. Questions will be answered as possible and hopefully any confusion will be cleared up. The focus of the meeting will only be these two areas (the pipeline and the wells). The attorney will be present to be sure that what is said is accurate and appropriate. The speakers will be Supervisor Burke, County Legislator Roxanne Donnery and the attorney representing the Board on these issues.

IV. Department Reports:

a. Supervisor’s Report – May 2013

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to approve the May 2013 Supervisor's report with receipts totaling \$290,672.72 and disbursements totaling \$739,806.40.

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

- b. Town Clerk's Report – May 2013
- c. False Alarm Report – April 2013
- d. Parks/Recreation Minutes – May 8, 2013
- e. Animal/Goose Control Report – May 2013
- f. Police/Communications Report – May 2013
- g. Beautification Commission Minutes – No Meeting Held
- h. Library Minutes – None Received
- i. Budget vs. Actual – May 2013

V. Public Comment:

Councilman Palermo thanked and acknowledged Assemblyman Skoufis for his success in having the Home Rule Legislation passed that would impose a hotel/motel tax in Woodbury. This legislation has been proposed for many years and it is the first time it made it out of Committee and onto the Assembly floor. Councilman Arone stated he has spoken with a representative in Senator Larkin's office and stressed this tax will be mostly imposed on individuals from out of the State and even out of the country. He was told that since it passed the Assembly it brings strength then to the Senate. Senator Larkin has committed to work to have this passed.

Cliff Ader thanked Supervisor Burke for his formidability with the pipeline and for organizing the informational meeting being held next week. Two weeks ago he read an email from a representative from County Executive Diana's office and he read it again this evening.

John Smith asked if the attorney will be discussing all the current litigation at the informational meeting. Supervisor Burke stated only the ones that are related to the pipeline or the well acquisition.

Maria Hunter reminded the public that the Woodbury Firecracker Festival is scheduled for July 6 and events are planned for the entire day. She then stated she is concerned about the signs along Route 32 that announce construction beginning in April. This week she noticed that work was being done on Hazard Lane. When the SEQRA process was conducted for the pipeline they requested 24" pipe and when it was finalized the size was 18". She asked if paperwork exists to prove the correct size of the pipe to be used. She doesn't know what work they are doing exactly at Hazard Lane and exactly what size the pipe should be. She feels the work needs to be stopped and the pipe size verified before any further work is continued. The entire community on Route 32 will be affected during the construction. Supervisor Burke stated the attorney will be prepared to address these issues at the information meeting and it is part of the request to the court for the permanent or temporary injunction to stop the construction. The County and State did sign off to permit a 24" pipe. The work is jumping around and there are at least two construction crews in action. He and Superintendent Weyant have observed the work being done. Mrs. Hunter stated she feels the Board should let the residents know when the court is convened and they will be sure to be in the audience during the deliberation. She is upset with the County and Executive Diana for allowing this project to move forward.

8:10PM – Executive Session:

Motion was offered by Councilman Arone, seconded by Supervisor Burke, to enter into an executive session pursuant to Article 7 of the Public Officers law to discuss one item relating to contractual negotiations (UPSEU).

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

VI. Adjournment:

With no further business to conduct or comments received, a motion was offered by Councilman Arone, seconded by Councilman Palermo, to end the executive session and adjourn the meeting at 9PM.

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

Desiree Potvin, Town Clerk