

Minutes of the Town Board Meeting held at Town Hall on December 29, 2014 at 7:30PM

Present: Frank Palermo, Deputy Supervisor  
Timothy Arone, Robert Hunter and Marilyn Prestia, Councilpersons  
Absent: None  
Also Present: Eric Ossentjuk, Attorney for the Town; Ralph Caruso, Supervisor-Elect; Dorothy Morris, Library Board; Pamula Gambuti, Animal Control Officer

**I. Public Hearing:**

a. Rescind of Local Law 2 of 2014 – Tax Cap Override:

A public hearing was held to entertain public comments on Introductory Local Law 5 of 2014 to repeal Local Law 2 of 2014 which was entitled "Tax Cap Override". The public notice was printed in the Times Herald Record on December 22, 2014 and the following comments were received:

John Smith asked if there was some rationale behind this local law and was surprised to see it on the agenda. Deputy Supervisor Palermo stated one of the criteria imposed by the State to enable residents to be eligible for their proposed tax credit is for the Town to be below the tax cap for FY2015. Since the budget did come in lower than the cap, the Board needs to rescind the previously adopted law.

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

**ADOPTED** AYES 4 Arone, Hunter, Palermo, Prestia  
NOES 0

Motion was then offered by Councilman Arone, seconded by Deputy Supervisor Palermo, to adopt the following resolution adopting Local Law 4 of 2014:

**WHEREAS**, the Town Board has identified the need to repeal local law No. 2 of 2014, in order to comply with the recently adopted requirements of New York State's General Municipal Law section 3-D, so that certain taxpayers may be eligible for the real property tax freeze credit authorized by subsection (BBB) of section six hundred six of the tax law for the fiscal year starting in 2015; and

**WHEREAS**, on December 4, 2014, the Town Board hereby designated itself the "Lead Agency" with respect to the review of the proposed local law (the "Project") in accord with the New York State Environmental Quality Review Act ("SEQRA") and part 617 of the regulations implementing SEQRA, since there are no other agencies that have the authority to approve the Project; and

**WHEREAS**, on December 4, 2014, the Town Board preliminarily classified the action as an unlisted action under SEQRA, and scheduled a public hearing to be held by the Town Board in order to receive comments and suggestions regarding the adoption of the proposed local law repealing Local Law #2 of 2014, and to consider the possible adverse environmental impacts of the proposed local law pursuant to SEQRA, on December 29, 2014 at 7:30 p.m. at the Town Hall, located at 511 Rt. 32, Highland Mills, New York.

**NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, by the Town Board of the Town of Woodbury, that the proposed local law to repeal Local Law #2 of 2014 has no potential adverse environmental impacts; issues a Negative Declaration with respect to the proposed local law and authorizes the Deputy Supervisor to execute the EAF prepared in connection with this action; and it is further

**RESOLVED**, that the Town Board of the Town of Woodbury hereby adopts Local Law 4 of 2014, entitled "A LOCAL LAW REPEALING LOCAL LAW #2 OF 2014, entitled a "LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-c", and hereby directs the Town Clerk to file this Local Law with the New York Secretary of State.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Deputy Supervisor Palermo	YES
Councilman Arone	YES
Councilman Hunter	YES
Councilwoman Prestia	YES

A copy of the local law is printed on page 189 of this minute book.

**II. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to accept the minutes of the regular meeting held December 18, 2014

**ADOPTED**      AYES    4            Arone, Hunter, Palermo, Prestia  
                      NOES    0

b. Approval of Abstract:

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to approve Revised Abstract 23 by voiding voucher 20142908 (check #12779) which reduces the total of the abstract to be \$321,743.55. This amendment was due to duplicate invoices being submitted for processing.

**ADOPTED**      AYES    4            Arone, Hunter, Palermo, Prestia  
                      NOES    0

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to approve Abstract 24 containing Vouchers 20142962, 20142966, 20142967, 20142988 – 20143016 and totaling \$114,790.37.

**ADOPTED**      AYES    4            Arone, Hunter, Palermo, Prestia  
                      NOES    0

c. Budget Modifications:

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to approve a modification to the budget of the Animal Control by increasing A2544 (Dog Licensing) by \$3000, A2706 (Animal Control Donations) by \$800, decreasing A3510.480 (Vaccinations) by \$2100 and increasing A3510.403 (Heating Oil/Gas) by \$800, A3510.406 (Building Maintenance) by \$5100.

**ADOPTED**      AYES    4            Arone, Hunter, Palermo, Prestia  
                      NOES    0

Motion was then offered by Deputy Supervisor Palermo, seconded by Councilman Arone, to approve a modification to the budget of the Beautification Commission by decreasing A8510.445 (Beautification Lease) by \$5000 and increasing A9901.900 (Transfer to Other Funds) by \$5000. These funds will be deposited in the reserve fund for the John P Burke Memorial.

**ADOPTED**      AYES    4            Arone, Hunter, Palermo, Prestia  
                      NOES    0

Motion was then offered by Councilman Arone, seconded by Councilman Hunter, to approve a modification to the 2015 budget of the Beautification Commission by increasing A599 (Appropriated Fund Balance) by \$8500 and increasing A8510.431 (Holiday Decorations) by \$8500. This is money not spent in 2014 that will be spent in 2015.

**ADOPTED**      AYES    4            Arone, Hunter, Palermo, Prestia  
                      NOES    0

Motion was then offered by Councilwoman Prestia, seconded by Councilman Arone, to approve a modification to the budget of the Woodbury Common BID by decreasing SMB9015.800 (Police

Retirement) by \$6654 and increasing SMB3020.100 (Dispatcher Salaries) by \$500, SMB3120.100 (Police Salaries) by \$6000 and SMB9010.800 (Retirement) by \$154.

**ADOPTED**      AYES    4            Arone, Hunter, Palermo, Prestia  
                     NOES    0

d. Proclamation – William McClennan, Water/Sewer Administrator:

Motion was offered by Councilman Arone, seconded by Deputy Supervisor Palermo, to adopt the following proclamation of thanks from the Woodbury Town Board honoring William S. McClennan upon his retirement and recognizing his dedicated service to the people of Woodbury for over 36 years:

**WHEREAS**, Bill McClennan has announced his intention to retire as Water/Sewer Superintendent; and

**WHEREAS**, Bill McClennan has been a loyal leader to his co-workers and will continue to be an admired citizen of the community; and

**WHEREAS**, Bill McClennan has been an asset to the Town and Village of Woodbury and an exemplary example of what “home-grown” in Woodbury can mean; and

**WHEREAS**, Bill McClennan’s dedication and service will be deeply missed.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that on December 29, 2014 the Woodbury Town Board hereby recognizes and honors William S. McClennan upon the occasion of his retirement.

**ADOPTED**      AYES    4            Arone, Hunter, Palermo, Prestia  
                     NOES    0

e. Certificate of Appreciation – Patricia Reynolds:

A certificate was presented to Patricia Reynolds in recognition of her 21 years for service volunteering on the Library Board.

### III. Old Business

a. Acceptance of Bids – CV Library Roof Replacement:

A bid opening was held on December 23, 2014 for the Cornell (Centra Valley) Library roof replacement project. The public notice was printed in the Times Herald Record on December 7, 2014 and the following bids were received:

Frank Stevens Roofing, Central Valley    \$138,485.00 (\$150/sheet of sheathing)

Deputy Supervisor Palermo stated the bid came in higher than anticipated and additional work is needed then was expected (asbestos removal and repairs to porch/steps in front of building). He would like the issue tabled so the Library Board has an opportunity to review the bid. Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to table this issue to the February 5, 2015 meeting.

**ADOPTED**      AYES    4            Arone, Hunter, Palermo, Prestia  
                     NOES    0

b. Acceptance of Bids – Demolition Project:

A bid opening was held on December 23, 2014 for the demolition project on Town property previously owned by Gasho (SBL 218-1-22 and 218-1-18.22). The public notice was printed in the Times Herald Record on December 7, 2014 and the following bids were received:

Taylor Recycling, Montgomery, NY      Demo \$299,000.00      Clean-Out \$650.00

Boyce Excavating, Slate Hill, NY      Demo \$475,720.00      Clean-Out \$10,540.00

Correspondence has been received from Engineer Fusco recommending that the bids be rejected because (1) the bids came in over budget primarily due to the asbestos remediation and air monitoring

required by the NYSDOL and (2) included was the demolition of the wooden storage shed and clean out of the two smaller buildings, as well as clean-up of the entire property of rubbish. Motion was offered by Councilman Hunter, seconded by Deputy Supervisor Palermo, to reject the bids received for the demolition project on Town property previously owned by Gasho.

**ADOPTED** AYES 4 Arone, Hunter, Palermo, Prestia  
NOES 0

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

a. Schedule Public Hearing – Correction of Animal Fines Local Law:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to adopt the following resolution setting a time and place for a public hearing to amend Chapter 85 of the Town Code entitled “Animals” to correct certain inconsistencies therein:

**WHEREAS**, the Town Board has identified the need to amend Chapter 85 of the Town Code in order to correct certain inconsistencies within said chapter, so that all of the provisions of Chapter 85 are consistent with, and interpreted consistently with each other; and

**WHEREAS**, the Town Board wishes to set a time and place for a public hearing to consider the proposed local law amending Chapter 85 of the Town Code;

**NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, that the Town Board hereby determines that it will be the “Lead Agency” with respect to the review of the proposed local law amendments (the “Project”) in accord with New York State Environmental Quality Review Act (“SEQRA”) and part 617 of the regulations implementing SEQRA, since there are no other agencies that have the authority to approve the Project; and let it be further

**RESOLVED**, that the Town Board hereby preliminary classifies the action as an unlisted action under SEQRA; and let it be further

**RESOLVED**, that a public hearing be held by the Town Board in order to receive comments and suggestions regarding proposed amendments to Chapter 85 of the Town Code on January 15, 2015 at 7:30PM at the Town Hall, located at 511 Route 32, Highland Mills, New York; and it is further

**RESOLVED**, that the Town Clerk was authorized and directed to cause public notice of said hearing to be given as provided by law.

**ADOPTED** AYES 4 Arone, Hunter, Palermo, Prestia  
NOES 0

b. Acceptance of Proposal – Logging of Town Property (Gasho):

Deputy Supervisor Palermo stated a proposal was received earlier this evening but he was not satisfied with the way it was submitted. He has requested a revised proposal and this issue will be tabled at this time.

c. Authorize Deputy Supervisor to Sign IMA – ACO Services with Cornwall:

Deputy Supervisor Palermo stated he sent to the Board members a copy of the IMA that was approved by the Cornwall Town Board in November. Councilwoman Prestia submitted a two page list of questions that she wanted addressed prior to the Board taking action. ACO Gambuti addressed all the questions raised by Councilwoman Prestia and more asked by the other Board members. It was noted that an invoice will be submitted to the Cornwall Town Clerk by Clerk Potvin monthly of all expenses incurred. It was also noted by Councilman Arone that the IMA was reviewed by Attorney McKay. Motion was then offered by Deputy Supervisor Palermo, seconded by Councilman Arone, to authorize Deputy Supervisor Palermo to sign the Inter-Municipal Agreement with the Town of Cornwall to provide Animal Control Services to them for 2015.

**ADOPTED** AYES 4 Arone, Hunter, Palermo, Prestia

NOES 0

**V. Board Member Comments/Announcements:**

The Board members collectively thanked Deputy Supervisor Palermo for filling in over the last few months. They also recognized the employees and volunteers that also helped during the transition.

Councilman Arone noted that more individuals have volunteered for the Friendly Visitors Program. A nice letter and donation was also received from an individual utilizing the program thanking the Town and volunteers.

Councilman Hunter wished William McClennan a happy retirement and also congratulated Patricia Reynolds on her years of volunteerism with the Town and the Ambulance Corps.

Deputy Supervisor Palermo thanked each Board member for their help during the past few months and for the confidence they showed in him. He added that he feels a lot has been accomplished over the last five months and that all Board members should receive credit for it. He also recognized the individuals that work in the Supervisors Office (Eileen Sutherland, Maxine Saracino, Laura Morrissey, Karen Hudson and Frances Huang) noting that each is a great asset to the Town and were extremely helpful to him. He also thanked Lorelei Pitt for her work on the budget. He also thanked all the employees and Department Heads for being very helpful as well. He thanked the consultants and the volunteers on various Boards for their work too. He wished the incoming Supervisor the best of luck.

**VI. Public Comment:**

Town Clerk Potvin noted that Orange & Rockland will be performing an electric system upgrade along Route 32 from Hazard Lane to the NYS Thruway underpass beginning on or about January 5, 2015. The work will be performed by their contractor and will cause intermittent single lane closures. Orange & Rockland will be calling residents living in this area informing them of the planned work.

Maria Hunter congratulated the Board for doing a great job over the last couple of months and for working together. She also thanked Deputy Supervisor Palermo for filling in after the passing of Supervisor Burke and stated she looks forward to the next year. She then thanked Officers Quackenbush and Tausk, as well as Ambulance Corps members Ben Conques and Jonathan Swiller, for their assistance at her home this morning. She then recognized her son Justin and the other members of the Beautification Commission for their help this year.

Dorothy Morris thanked Deputy Supervisor Palermo and the Board for keeping a steady course and noted it is nice to have someone to be able to call on with Library issues. She recognized Pat Reynolds for all she has done for the community. She also feels it is a great idea to assist Cornwall with their animal issues.

**VII. Adjournment:**

With no further business to discuss or comments received, a motion was offered by Councilman Arone, seconded by Councilman Hunter, to adjourn the meeting at 8:25PM.

**ADOPTED**      AYES    4            Arone, Hunter, Palermo, Prestia  
                     NOES    0

Desiree Potvin, Town Clerk

## LOCAL LAW NO 4 OF 2014

A LOCAL LAW REPEALING LOCAL LAW NO. 2 OF 2014 ENTITLED, "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C", PREVIOUSLY ADOPTED ON SEPTEMBER 18, 2014.

Be it enacted by the Town Board of the Town of Woodbury as follows:

### **Section 1.**      **Title**

This Local Law shall be referred to as "A LOCAL LAW REPEALING LOCAL LAW NO. 2 OF 2014," entitled "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED BY GML § 3-c".

### **Section 2.**      **Purpose and Legislative Intent**

In 2013, the New York State Legislature amended the General Municipal Law by adding new section 3-D, which sets forth the eligibility requirements for the real property "tax freeze" authorized by subsection BBB of section six hundred six of the Tax Law, for the fiscal year starting 2015.

Pursuant to section 3-D, upon the adoption of the budget by a local government unit, the Chief Executive Officer or Budget Officer of the local government wishing to render its taxpayers eligible for the real property tax freeze credit must: (i) certify that the budget adopted for the tax year in question does not exceed the tax levy limit; or (ii) if the governing body of the local government unit has enacted a local law or approved a resolution allowing the government unit to override the tax levy limit for the year in question, certify that such local law was subsequently repealed.

Therefore in order to comply with the requirements of section 3-D, Local Law No. 2 of 2014, which was adopted on September 18, 2014 authorizing the Town of Woodbury to override the tax levy limit for 2015, is hereby repealed in its entirety.

### **Section 3.**      **Authority**

This Local Law is enacted pursuant to Municipal Home Rule Law § 10. This local law shall supersede any special law to the extent it is inconsistent with the same and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute. This local Law shall supersede any inconsistent local law.

### **Section 4.**      **Rules and Regulations**

The Town Board is authorized to adopt rules and regulations, by resolution, to further implement the provisions of this local law.

### **Section 5.**      **Severability**

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Town Board of the Town of Woodbury hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

### **Section 6.**      **Repeal**

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

### **Section 7.**      **Effective Date**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.