

Minutes of the Town Board Meeting held at Town Hall on October 18, 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 Town; Robert Weyant, Highway Superintendent;
Richard Vasquez, Police Chief; Maria Hunter, Village Planning Board

I. Public Hearings:

a. Tax Cap Override Local Law

A public hearing was held to entertain comments on the adoption of Introductory Local Law 2 of 2012 to override the tax levy limit established in General Municipal law Section 3-c, if it is determined to be necessary once the FY2013 budget is completed. The public notice was printed in the Times Herald Record on October 10, 2012 and the following comments were received:

Andrew Lubeskie stated he opposes anyone for re-election who increases taxes.

Janet Acosta stated she is also opposed to this as it puts an undue burden on taxpayers.

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

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

Councilman Palermo stated this tax cap override law is not a measure to raise taxes but that the State will impose high penalties if the Town's budget increase does end up being over 2% and did not adopt this local law. Therefore, it safeguards the Town if the budget goes over the tax cap.

Councilwoman Prestia stated the Board takes very seriously the budgeting process. It actually reviews the budget line by line very carefully.

Motion was then offered by Councilman Palermo, seconded by Supervisor Burke, to adopt the following Local Law 2 of 2012 to override the tax levy limit established in General Municipal Law Section 3-c as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Woodbury to adopt a budget for the fiscal year commencing January 1, 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Woodbury, County of Orange, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

ADOPTED BY ROLL CALL AS FOLLOWS:

Supervisor Burke	AYE
Councilman Arone	NO
Councilman Palermo	AYE
Councilwoman Prestia	AYE
Councilman Skoufis	NO

b. Assessment Rolls:

Public hearings were held on the assessment rolls for the special districts and the public notice was printed in the Times Herald Record on October 10, 2012. Supervisor Burke explained that these hearing are for the public to correct the special district assessment rolls with regards to the number of units that are charged for specific properties, not to argue the assessment or the amount of taxes paid.

CONSOLIDATED SEWER DISTRICT:

The public hearing on the assessment roll for the Consolidated Sewer District was opened and no comments were received. Motion was then offered by Councilman Palermo, seconded by Supervisor Burke, to close the hearing on the Consolidated Sewer District assessment roll.

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

WATER DISTRICT #6:

The public hearing on the assessment roll for Water District #6 was opened and no comments were received. Motion was then offered by Councilman Skoufis, seconded by Councilman Arone, to close the hearing on the Water District #6 assessment roll.

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

SEWER DISTRICT #1:

The public hearing on the assessment roll for Sewer District #1 was opened and no comments were received. Motion was then offered by Councilman Arone, seconded by Councilwoman Prestia, to close the hearing on the Sewer District #1 assessment roll.

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

REFUSE DISTRICT:

The public hearing on the assessment roll for the Refuse District was opened and no comments were received. Motion was then offered by Councilman Skoufis, seconded by Councilman Arone, to close the hearing on the Refuse District assessment roll.

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

HIGHLAND LAKE ESTATES SEWER DISTRICT:

The public hearing on the assessment roll for the Highland Lake Estates Sewer District was opened and no comments were received. Motion was then offered by Councilwoman Prestia, seconded by Councilman Arone, to close the hearing on the Highland Lake Estates Sewer District assessment roll.

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

Brigadoon Sewer District:

The public hearing on the assessment roll for the Brigadoon Sewer District was opened and no comments were received. Motion was then offered by Supervisor Burke, seconded by Councilman Arone, to close the hearing on the Brigadoon Sewer District assessment roll.

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

Motion was then offered by Supervisor Burke, seconded by Councilman Skoufis, to accept the assessment rolls for the following special districts: Consolidated Sewer District, Water District #6, Sewer District #1, Refuse District, Highland Lakes Estates Sewer District and the Brigadoon Sewer District.

ADOPTED BY ROLL CALL AS FOLLOWS:

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

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilwoman Prestia, seconded by Councilman Palermo, to accept the minutes of the regular meeting held October 4, 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 October 15, 2012

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

b. Approval of Abstract:

Motion was offered by Councilwoman Prestia, seconded by Councilman Palermo, to approve Abstract 21 containing Vouchers 20122233 – 20122339 (less check #7990-8071) and totaling \$151,187.45.

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

c. Budget Modifications:

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to approve a modification to the budget of the General Fund by increasing A599 (Appropriated Fund Balance) by \$17,500 and increasing A1940.400 (Purchase of Land/Right of Way) by \$17,500.

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

Motion was then offered by Supervisor Burke, seconded by Councilman Palermo, to approve a modification to the budget of the General and Highway Fund as follows:

- a) Increasing A599 (Appropriated Fund Balance) by \$280,000 and increasing A5120.401 (Roselawn/Adrienne Bridge) by \$280,000
- b) Decreasing DB5120.401 (Roselawn/Adrienne Bridge) by \$280,000 and decreasing DB599 (Appropriated Fund Balance) by \$280,000

This modification is proposed to be in compliance with Section 141 of Highway Law (expenditures associated with construction and repair of bridges having a span of five feet or more are required to be paid by the residents of the entire Town because there is no statutory provision to the contrary).

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 Police Department by decreasing B3120.485 (Truck Scales) by \$870 and increasing B3120.472 (Repairs to Station) by \$870.

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

Motion was then offered by Councilman Palermo, seconded by Councilwoman Prestia, to approve a modification to the budget of the Police Fund by decreasing B3120.100 (Police Personal Services) by \$63,953 and increasing B3120.101 (Compensated Absences at Retirement) by \$63,953.

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

d. Acceptance of Resignation – Police Sergeant:

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to accept, with regrets, the resignation of Christopher Friedman from the position of Police Sergeant effective October 23, 2012. Sergeant Friedman was acknowledged for his 20+ years of service to the Town.

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

Councilman Skoufis thanked Sergeant Friedman for his service to the community and all Board members agreed.

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

IV. New Business:

a. Schedule Public Hearing – FY2013 Preliminary Budget:

Motion was offered by Supervisor Burke, seconded by Councilwoman Prestia, to schedule a public hearing to be held on November 1, 2012 at 7:30PM to entertain public comments on the Fiscal Year 2013 Preliminary Budget.

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

V. Department Reports:

a. Supervisor's Report:

Motion was offered by Councilman Skoufis, seconded by Councilman Palermo, to approve the September 2012 Supervisor's report with receipts totaling \$138,201.38 and disbursements totaling \$975,733.57.

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

b. Town Clerk's Report – September 2012

c. False Alarm Report – August 2012

d. Parks/Recreation Minutes – None Received

e. Animal/Goose Control Report – September 2012

Councilman Palermo read the list of donations that were made to the Woodbury Animal Shelter and praised ACO Gambuti for the fantastic job she is doing. He also urged residents to continue to donate whatever possible.

- f. Police/Communications Report – September 2012
- g. Beautification Commission Minutes – October 11, 2012
- h. Library Minutes – None Received
- i. Budget vs. Actual – September 2012

VI. Public Comment:

Superintendent Weyant gave an update on the Roselawn Bridge project stating paving will be finished early next week, weather permitting, and the guide rails will be installed. The opening of the bridge should be by October 26. He then acknowledged DB Graphic for the sign they made and donated to the Woodbury Animal Shelter.

Police Chief Vasquez gave a few updates from his department. The first was regarding the rash of car break-ins and announced that an arrest was made. He recognized Officers Danielson and Bauer for their efforts in this arrest. He urged residents to continue to lock their cars as this is a good safety precaution. The second was the arrest of two subjects that were stealing from storage units, which he recognized Officers Panzica and Phillips for their successful investigation. He then reminded the public that there is a curfew imposed for Halloween (October 31) and the night before (October 30) that prohibits minors under the age of 18 to be out unaccompanied by a parent or guardian between the hours of 8:00PM and 6:00AM. He also noted that there have been several bear sightings in the Skyline area and on Route 32 near the Woodbury Common. He gave some suggestions to help avoid bears from being attracted to an area and then advised if a bear is sighted the police department should be called. He concluded by acknowledging Sergeant Friedman and thanked him for assisting him during his transition into the Department.

Andrew Lubeskie thanked Councilmen Skoufis and Arone for voting no on the tax cap override law. He then stated he received a letter from the management company for Brigadoon stating that they will no longer be managing the private sewer for this development as of October 31. He wanted to make the Town Board aware of this issue adding that he has not received much communication from the Homeowners Association (HOA) for Brigadoon.

Janet Acosta also received the letter from the sewer management company for Brigadoon. This has been an ongoing issue and residents of Brigadoon are not being kept informed of the status. The HOA has collected checks from the residents to subsidize the sewer facility and have indicating that the Town will be taking it over. However, no communication has been received regarding the status of this transfer from either the HOA or the Town. She feels the Town Board should send out some type of communication so the residents of this development are kept informed. She also has concerns about the brown water she has, which she has been assured by the Water Department is safe. Councilman Skoufis noted that he is aware the HOA has been working closely with the Village Board on this issue, which is the entity that is trying to take over the sewer system. He offered to share the HOA representative contact information with Mr. Lubeskie and Mrs. Acosta. Supervisor Burke added the Town Board understands the concerns of the residents of Brigadoon but added that the Village Board is the entity that these concerns should be addressed as it is under their responsibility.

Ben Meyers asked for clarification regarding the funds transferred this evening for Roselawn Bridge and for the total cost of the bridge repair costs. Supervisor Burke stated the amount transferred

this evening, \$280,000, is the total cost of the project. It has been brought to his attention very recently that any repairs/replacement of any bridge over five feet must be charged to the entire Town, including the portion that the Village of Harriman is in. Mr. Meyers then noted that the contractor and Highway Department has done a very good job replacing the bridge and he also feels that AC Gambuti has done a great job with her with the department. He then congratulated the Police Department on the recent arrests.

Robin Crouse also acknowledged Sergeant Friedman and noted he will be missed. Regarding the Police Chief waiver that was applied for, she asked that the procedure and reasoning behind the application being submitted be explained. Supervisor Burke stated the Police Chief has a right to request a waiver from the pension system, which is governed by the State and has nothing to do with the Town. Chief Vasquez chose to apply for this waiver and as part of it, the Town submits a letter of support. Mrs. Crouse asked why the Town Board agreed to submit this letter of support and Supervisor Burke stated the Police Chief asked that it be submitted. He stressed it has no impact to the Town and is solely between the pension board and Chief Vasquez. Mrs. Crouse asked if the Board has received a response and Supervisor Burke stated a letter did come this morning. Mrs. Crouse asked Supervisor Burke to disclose the information contained in the letter and Supervisor Burke stated he would not. Mrs. Crouse then read the letter that she obtained from the State's website. She asked if the Board plans to appeal the waiver and Supervisor Burke stated the Board has not discussed it. Mrs. Crouse stated she feels the discussion, when held, should be done publicly.

VII. Adjournment:

With no further comments received or business to discuss, a motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to adjourn the meeting at 8:20PM.

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

Frances Huang, Deputy Town Clerk

After adjournment the Board entered into a closed session with Attorney Liberth to seek legal advice on several issues.