

Minutes of the Town Board Meeting held at Town Hall on October 3, 2013 at 7:30PM

Present: John Burke, Supervisor
Timothy Arone, Frank Palermo and Marilyn Prestia, Councilpersons
Absent: None
Also Present: Joseph McKay, Attorney for the Town; Robert Weyant, Highway Superintendent

I. Public Hearing:

a. Tax Cap Override Local Law:

A public hearing was held to entertain public comments on the adoption of Introductory Local Law 1 of 2013 to override the tax levy limit established in General Municipal Law Section 3-c. The public notice was printed in the Times Herald Record on September 24, 2013.

No comments were received.

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to close the public hearing.

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

Motion was then offered by Councilman Palermo, seconded by Councilwoman Prestia, to adopt Local Law 1 of 2013 as follows to override the tax levy limit established in General Municipal Law Section 3-c:

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, 2014 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, 2014 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	AYES
Councilman Arone	AYES

Councilman Palermo AYES
Councilwoman Prestia AYES

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 September 19, 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 September 30, 2013.

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

b. Approval of Abstract:

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to approve Abstract 18 containing Vouchers 20132066 – 20132157 and totaling \$160,344.77.

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

c. Approval of Budget Modifications:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve a modification to the budget of the Highway Fund by increasing DB4960 (Emergency Disaster Assistance) by \$3500 and increasing DB5130.200 (Machinery Equipment) by \$3500.

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

Motion was offered by Councilwoman Prestia, seconded by Councilman Palermo, to approve a modification to the budget of the Woodbury Common BID fund by increasing SMB599 (Appropriated Fund Balance) by \$438 and increasing SMB9010.800 (State Retirement) by \$438 and to the budget of the Library Fund by increasing L599 (Appropriated Fund Balance) by \$510 and increasing L9010.800 (State Retirement) by \$510.

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

Motion was offered by Councilman Arone, seconded by Supervisor Burke, to approve a modification to the budget of the Highway Fund by decreasing DB5142.466 (Salt/Liquid Calcium) by \$7000 and increasing DB5110.452 (Sand & Gravel) by \$7000.

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

Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to approve a modification to the budget of the Town Clerk's Office by increasing A2590 (Permits, Other) by \$525 and increasing A1410.431 (EZ Pass Sales) by \$525.

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 budget of the Supervisor's Office by decreasing A1220.100 (Salaries) by \$3300, A1220.462 (Computer/Checks) by \$1000 and increasing A1220.405 (CPA) by \$4000 and A1220.411 (Office Supplies) by \$300.

ADOPTED AYES 4 Burke, Arone, Palermo, Prestia

NOES 0

Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to approve a modification to the budget of the Library Fund by decreasing L7410.200 (Equipment) by \$800, L7410.407 (Legal) by \$1000, L7410.408 (Insurance) by \$1000, L7410.466 (Expenditure of Donations) by \$2000 and increasing L7410.401 (Telephone) by \$800, L7410.402 (Electricity) by \$1000, L7410.403 (Heating Oil/Gas) by \$1000, L7410.429 (Special Programs) by \$1500 and L7410.428 (Children's Programs) by \$500.

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

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to approve a modification to the budget of the Town Board by decreasing A1010.444 (School and Dues) by \$118 and increasing A1010.400 (Town Board Cont. Exp.) by \$118.

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

EXTRA ITEM – Cancellation of Worksession Due to Holiday:

Motion was offered by Supervisor Burke, seconded by Councilman Arone, to cancel the worksession scheduled for October 14, 2013 due to Columbus Day holiday.

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

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

IV. New Business:

a. Authorize Supervisor to Sign – 2014 Dental Policy Renewal:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to authorize the Supervisor to sign the renewal policy for dental insurance coverage provided by Empire Bluecross Blueshield at a 0% increase over last year's policy.

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

b. Receipt of FY2014 Tentative Budget:

Town Clerk Potvin stated pursuant to Town Law Section 106(3) copies of the Fiscal Year 2014 Tentative Budget was received by her on September 26 and has been distributed to the Board members. Supervisor Burke acknowledged all department heads, Eileen Sutherland, Budget Officer Lorelei Pitt and Councilwoman Prestia for all the hard work thus far on the budget. The tentative budget consists of the budget summaries submitted by each department without discussion or changes by the full Board. There will be budget worksessions held at 7:30PM at the Highway Garage on October 9, 10, 15 and 16 (and if necessary October 21 and 23). Topics to be discussed at each meeting will be posted on Channel 22 and the website and will be kept updated as much as possible.

c. Resolution – Opposing Closing of St. Luke's Cornwall Hospital Emergency Room:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to adopt the following resolution prepared by Assemblyman James Skoufis in relation to the application made by St. Luke's Cornwall Hospital to close their Emergency Room twelve hours per day:

WHEREAS, since 1931 Cornwall has had a hospital that has served the Towns of Blooming Grove, Highlands, New Windsor and Woodbury as well as the Town of Cornwall; and

WHEREAS, 10 years ago St. Luke’s Cornwall Hospital spent \$4.2 million to expand and upgrade the emergency department on the Cornwall campus; and

WHEREAS, the ambulance services in Blooming Grove, Cornwall, Highlands, New Windsor and Woodbury prefer to keep the Cornwall emergency room open; and

WHEREAS, the Town of Woodbury supports maintaining a 24-hour emergency department service on the Cornwall campus of St. Luke’s Cornwall Hospital for the health and well-being of the residents of the Towns of Blooming Grove, Cornwall, Highlands, New Windsor and Woodbury; and

WHEREAS, there was no communication by St. Luke’s Cornwall Hospital with the affected communities, elected officials or emergency responders leading up to their decision to request a reduction in emergency department hours; and

WHEREAS, the aforementioned communities, elected officials, and emergency responders only learned of St. Luke’s Cornwall Hospital’s decision via a press release from the hospital dated September 9, 2013, after months of internal discussion; and

NOW, THEREFORE, BE IT

RESOLVED that the Town of Woodbury requests that at the October meeting of the Trustees of St. Luke’s Cornwall Hospital withdraw their request to the New York State Department of Health (DOH) to reduce the hours of operation of its Emergency Department at the Cornwall campus to 12 hours a day; and be it further

RESOLVED that the Town of Woodbury request that the Trustees of St. Luke’s Cornwall Hospital, after withdrawing their request to the DOH, work with the affected communities, elected officials, and emergency responders towards finding an alternate solution to reducing emergency department hours.

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

It was noted that copies of this resolution will be sent to the Trustees of St. Luke’s Cornwall Hospital, CEO Allan Atzrott, President Robert Ross, NYS Health Commissioner Nirav Shah, NYS Department of Health Public Health and Health Planning Council, Governor Andrew Cuomo, Senator William Larkin and Assemblyman James Skoufis.

d. Authorize Submission of Grant – Justice Court:

Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to authorize the Town Justice Court to participate in the 2013 Justice Court Assistance Program and to authorize the Supervisor to sign any and all necessary documents relating to the application process.

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

V. Public Comment:

Robert Hunter asked for an update on the work that is being conducted under the NYS Thruway on Route 32 for the Kiryas Joel water pipeline. Supervisor Burke stated the work was supposed to be for only six weeks but due to issues that arose, the DOT extended the permit to September 20. He has spoken to the foreman a few times and was informed there were construction issues that arose causing the delay, which he hopes will not go past November 15. The State has not informed the Town of any extension to the permit although they have been onsite many times and they are aware of the issue. Mr. Hunter then stated the construction is “an accident waiting to happen” and that a huge pit was dug on the side of the road without any safety fences installed around it. He also feels that the patch work done to Ridge Road “looks pathetic” and the County should require them to fix the road properly. Supervisor Burke stated the County has informed him that an overlay will be done over the patchwork. He then stressed that the Town has been left out of the discussions on the project since it does not fall onto any local roads, just County and State.

8PM Executive Session:

Attorney McKay informed the Board that an executive session is needed to discuss a claim for flood damage against the town. Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to enter into an executive session pursuant to Article 7 of the Public Officers Law to discuss one item of litigation regarding a flood damage claim.

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

Superintendent Weyant attended the executive session.

No minutes of the executive session were recorded.

VI. Adjournment:

With no further comments received or business to discuss, a motion was offered by Councilman Palermo, seconded by Councilman Arone, to end the executive session and adjourn the meeting at 8:45PM.

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

Desiree Potvin, Town Clerk