

Minutes of the Town Board Meeting held at Town Hall on October 17, 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;  
Richard Vasquez, Police Chief; Laura Breslin, Assessor

**I. Public Hearing:**

a. 2014 Assessment Rolls:

Town Clerk Potvin stated the public notice announcing the public hearing on the assessment rolls for the special districts was printed in the Times Herald Record on October 10, 2013. She also 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. No comments were received. Motion was then offered by Supervisor Burke, seconded by Councilman Palermo, to close the hearing on the Consolidated Sewer District assessment roll.

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

WATER DISTRICT #6:

The public hearing on the assessment roll for Water District #6 was opened. No comments were received. Motion was then offered by Supervisor Burke, seconded by Councilwoman Prestia, to close the hearing on the Water District #6 assessment roll.

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

SEWER DISTRICT #1:

The public hearing on the assessment roll for Sewer District #1 was opened. No comments were received. Motion was then offered by Supervisor Burke, seconded by Councilman Palermo, to close the hearing on the Sewer District #1 assessment roll.

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

REFUSE DISTRICT:

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

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

HIGHLAND LAKE ESTATES SEWER DISTRICT:

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

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

**BRIGADOON SEWER DISTRICT:**

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

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

Motion was then offered by Councilman Arone, seconded by Councilman Palermo, to adopt the assessment rolls for the following special districts: Consolidated Sewer District, Water District #6, Sewer District #1, Refuse District, Highland Lake Estates Sewer District and Brigadoon Sewer District.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Supervisor Burke	AYES
Councilman Arone	AYES
Councilman Palermo	AYES
Councilwoman Prestia	AYES

**7:40PM - Executive Session:**

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to enter into an executive session pursuant to Article 7 of the Public Officers Law to discuss one item relating to a land purchase and one item relating to a settlement (Banda, Banda, Weider).

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

*Assessor Breslin attended the executive session and no minutes were recorded.*

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to end the executive session and return to open session at 8:15PM.

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

**Resolution – Purchase of Real Property (*out of agenda order*):**

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to adopt the following resolution authorizing the Supervisor to negotiate and enter into a contract for the purchase of real property:

**WHEREAS**, the Town has been presented with an offer to purchase real property located in the Town of Woodbury; and

**WHEREAS**, the Town Board has determined that the purchase of the real property is in the public interest of the residents of the town; and

**WHEREAS**, the negotiation and execution of the contract would be contingent upon a title search, and review and approval of the same as to form and content by the Town Attorney; and

**NOW, THEREFORE, LET IT BE HEREBY**

**RESOLVED**, that the Town Board hereby determines that it will be the lead agency with respect to the review of the proposed real property purchase in the Town of Woodbury, (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 the Town Board hereby authorizes the Town Supervisor to negotiate and enter into a contract for purchase of certain real property located in the Town of Woodbury.

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

## II. Administrative Business:

### a. Acceptance of Minutes:

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to accept the minutes of the regular meeting held October 3, 2013.

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

### b. Approval of Abstract:

Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to approve Abstract 19 containing Vouchers 20132158 – 20132235 and totaling \$295,540.24.

**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 Animal Control Officer by decreasing A3510.444 (Schools & Dues) by \$60 and increasing A3510.404 (Water Bills) by \$60.

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

Motion was then offered by Councilman Palermo, seconded by Councilwoman Prestia, to approve a modification of the budget of the Highway Fund by decreasing DB5110.100 (Personal Services) by \$5000, DB5142.466 (Salt/Liquid Calcium) by \$18,000 and increasing DB5142.200 (Snow Equipment) by \$23,000.

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

### d. Acceptance of Resignation:

Motion was offered by Supervisor Burke, seconded by Councilman Arone, to accept, with regrets, the resignation of Malverne Toll effective October 9, 2013 (her letter states October 11, 2013 but she decided to not come to work on October 10 and 11).

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

### e. Appointment of Part-Time Dispatcher:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to appoint Shaun Graham as a part-time dispatcher effective October 21, 2013 at a rate of \$19.71 per hour pursuant to the Dispatcher's Union contract, pending the signing of all required town employment documents.

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

## III. Old Business:

a. Advertise for Upcoming Vacancies – Various Boards:

Town Clerk Potvin stated there is one seat on the Parks Commission due to expire at the end of the year and two seats on the Library Board plus one vacancy (which has an expiration date of December 2016). Letters were due by October 4 and five were received for the Parks Commission and two for the Library Board. She is recommending that the Board re-advertise for letters of interest to see if more residents will come forward. Motion was then offered by Councilman Arone, seconded by Councilman Palermo, to authorize the Town Clerk to re-advertise for letters of interest from individuals interested in volunteering to serve on the Library Board. Letters will be accepted until 4PM on November 13, 2013.

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

b. Authorize Supervisor to Sign – Easement/License Agreement for Perrone Circle:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to adopt the following resolution authorizing the Supervisor to execute an easement/license agreement with Your Sport for the installation of an electrical service connection and meter to serve Perrone Circle:

**WHEREAS**, the town has made improvements to Perrone Circle; and

**WHEREAS**, in order to complete the improvements, the town must install an electrical service connection and meter; and

**WHEREAS**, an adjacent property owner, Your Sports, has offered to allow the town to install an electric meter on its adjacent structure; and

**WHEREAS**, the town must enter into an easement or license agreement with Your Sports to install the meter and electrical service connection;

**NOW, THEREFORE, LET IT BE HEREBY**

**RESOLVED**, that the Supervisor is hereby authorized to execute an easement/license agreement, prepared by the Town Attorney, for the purpose of installing a meter and electric service connection for Perrone Circle.

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

c. Authorize Supervisor to Execute Documents – Settlement of Real Property Code Violations:

Supervisor Burke stated this item will be tabled to a future meeting.

EXTRA ITEM – Authorize Supervisor to Sign – Developer’s Escrow Agreement:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to authorize the Supervisor to sign a Developer’s Escrow Agreement with WP3, LLC for an application they have before the Town Board. This agreement will enable to Town to charge any and all consultants fees resulting from this application to an escrow account posted by WP3, LLC.

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

**IV. New Business:**

a. Schedule Public Hearing – FY2014 Preliminary Budget:

Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to schedule a public hearing to be held at 7:30PM on November 7, 2013 to entertain public comments on the adoption of the FY2014 Preliminary Budget.

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

b. Signing of Tax Collector Bond:

The Board members signed the bond for the Tax Collector/Deputy Tax Collector for the collection of property taxes in 2014. This is required to be filed with the County Clerk in order for the collection warrant to be issued.

c. Advertise for Auction – Surplus Equipment:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to declare the 1990 Eger Beaver Wood Chipper as surplus equipment and authorize the Town Clerk to advertise for its sale on Auctions International.

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

d. Authorize Town Clerk to Sign DECALS Application:

Town Clerk Potvin stated the Department of Environmental Conservation has changed the software program for the issuance of sporting licenses. Due to this, a new agreement needs to be executed. A motion was offered by Councilman Arone, seconded by Supervisor Burke, to authorize the Town Clerk to sign the necessary documents with the Department of Environmental Conservation with regards to the new licensing program they are implementing.

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

**V. Department Reports:**

a. Supervisor’s Report – September 2013

Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to approve the Supervisor’s Report for September 2013 with receipts totaling \$168,894.56 and disbursements totaling \$1,096,133.55

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

b. Town Clerk’s Report – September 2013

c. False Alarm Report – August 2013

d. Parks/Recreation Minutes – September 9, 2013

e. Animal/Goose Control Report – September 2013

f. Police/Communications Report – September 2013

g. Beautification Commission Minutes –September 12 and October 10, 2013

h. Library Minutes – None Received

i. Budget vs. Actual – September 2013

**VI. Public Comment:**

Superintendent Weyant informed the public of the following upcoming events: Rededication of Perrone Circle on October 19, Lion’s Club Document Shredding at the Highway Garage on October 19 and Electronic Collections at the Highway Garage on October 26.

Clerk Potvin reminded the public that the Town Law imposes a curfew on October 30 and October 31 for all individuals under the age of 18.

Robin Crouse asked for more information on the real property purchase that was discussed this evening and Attorney McKay stated it is an issue currently being negotiated and could not be elaborated

on. Mrs. Crouse stated she hopes the Board will not act as the Monroe Town Board did when they purchased the Monroe Theatre without any input from the public. She feels the public has the right to be informed and added that the purchase of real property may be subject to a permissive referendum.

**8:35PM – Executive Session:**

Motion was offered by Supervisor Burke, seconded by Councilwoman Prestia, to enter into an executive session pursuant to Article 7 of the Public Officers Law to discuss one item relating to a contract/agreement with the Village of Woodbury

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

*No minutes of the executive session were recorded.*

**VIII. Adjournment:**

With no further business to discuss or comments received, a motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to end the executive session and adjourn the meeting at 10PM.

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

Desiree Potvin, Town Clerk