

Minutes of the Town Board Meeting held at Town Hall on December 17, 2015 at 7:30PM

Present: Ralph Caruso, Supervisor
Timothy Arone, Robert Hunter, Frank Palermo and Marilyn Prestia, Councilpersons
Absent: None
Also Present: Joseph McKay, Attorney for the Town; David Sutz, Supervisor-Elect; Michael Essig, Councilman-Elect; Arthur Abbott, Police Lieutenant; Maria Hunter, Village Planning Board; Sandra Capriglione, Village Zoning Board

I. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Hunter, seconded by Councilman Arone, to accept the minutes of the regular meeting held December 3, 2015.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
NOES 0

b. Approval of Budget Modifications:

Motion was offered by Councilman Hunter, seconded by Councilman Arone, to approve a modification the budget of the Woodbury Common BID by decreasing SMB3120.100 (Personal Services) by \$2581 and increasing SMB3120.403 (Policing – Other Agencies) by \$2581.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
NOES 0

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to approve a modification to the budget of the Animal Control by decreasing A3510.480 (Vaccinations) by \$408 and increasing A3510.411 (Office Supplies) by \$300, A3510.463 (Computer Software) by \$108.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
NOES 0

Motion was offered by Councilman Hunter, seconded by Councilwoman Prestia, to approve a modification to the budget of the Highway Fund by decreasing DB5110.476 (Trees) by \$2500 and increasing DB5110.425 (Grounds/Weed Control) by \$2000, DB5110.452 (Sand/Gravel) by \$500.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
NOES 0

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to approve a modification to the budget of the Police Fund by increasing B2680 (Insurance Recoveries) by \$3251 and increasing B3120.453 (Vehicle Repairs) by \$3251.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
NOES 0

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to approve a modification to the budget of the Assessor's Office by decreasing A1355.465 (Rolls & User Fees) by \$1100, A1355.430 (Transportation/Travel) by \$650 and increasing A1355.411 (Office Supplies and Equipment) by \$1450, A1355.412 (Service Contracts) by \$300.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
NOES 0

c. Approval of Abstract:

Motion was offered by Councilman Hunter, seconded by Councilman Arone, to approve Abstract 23 containing vouchers 20152834 – 20152983 and totaling \$226,061.61.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia

NOES 0

d. Appointment of Custodial Worker:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to approve the appointment of Michael McColgan to the position of full-time Custodial Worker beginning January 4, 2016 at an UPSEU rate of \$16.04/hour.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
NOES 0

EXTRA ITEM – Return of Road Opening Permit:

Motion was offered by Councilman Hunter, seconded by Councilman Arone, to approve the return of the \$500 road opening permit fee to Shrage Smilowitz, as recommended by Highway Superintendent Robert Weyant.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
NOES 0

II. Old Business:

a. Renewal of Shared Services Agreement – Cornwall Animal Control:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to authorize the Supervisor to sign the renewal agreement with the Town of Cornwall with regards to the Town of Woodbury sharing our Animal Control Services with them. It was noted this agreement is the same as the one approved last year but contains an increase to the amount charged to Cornwall per off-duty call (*from \$75 to \$100*).

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
NOES 0

III. New Business:

a. Discussion – Workers Compensation Policy:

Two proposals were received for workers compensation coverage for 2016. They are as follows:

Comp Alliance, Albany, NY	\$135,158 + \$12,173 NYS Assessment
PERMA, Latham, NY	\$164,018 + \$12,382 NYS Assessment

Based on the quotes received, a motion was offered by Councilman Palermo, seconded by Councilman Arone, to sign with Comp Alliance (*who is our current provider*) for workers compensation coverage for 2016.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
NOES 0

b. Pilgrim Pipeline Proposal – Lead Agency Status:

A copy of a letter dated December 7, 2015 was received from the City of Albany to the NYS Thruway Authority and the NYSDEC regarding Lead Agency for the Pilgrim Pipeline application. The application is for twin pipelines, 170 miles long, which would cut along the eastern edge of the Catskill region (along Interstate 87) carrying crude oil south from Albany and gasoline north from New Jersey refineries. The NYS Thruway Authority, in a letter dated November 16, 2015, declared its intent to assume Lead Agency status. In their letter, the City of Albany feels strongly that the NYSDEC should be Lead Agent, not the NYS Thruway Authority. Supervisor Caruso stated he is in agreement with the City of Albany, noting the pipeline will run through numerous municipalities and that the NYSDEC would be the best entity to represent the interests of all effected. Councilman Palermo stated the Board was not informed about this subject and feels that writing a letter on behalf of the Board was not appropriate.

He does not have faith in the DEC based on past decisions they have made (he cited as an example the DEC granting Kiryas Joel lead agency on their pipeline application). Supervisor Caruso noted the Board received, via email, the November 16 NYS Thruway Authority letter as well as the December 7 City of Albany letter. The November 16 letter stated that if a response was to be made it was required by December 16. He further noted that the Villages of Harriman and Woodbury also sent letters stating the DEC and not the Thruway Authority should be lead agency on the Pilgrim Pipeline application. He asked the Board if they would like him to send a retraction but no one commented further.

c. Tax Cap Letter:

Through the Orange County Association of Town/Cities/Villages, a letter was received from Patrick Keem, Town of Orchard Park Town Supervisor, requesting support to urge the Governor to reform the Tax Cap legislation. He feels this legislation has imposed fiscal stress upon municipalities in their efforts to comply with the current requirements and is not applied in an equitable manner among all governments. He is asking all municipalities to sign and send a letter to the Governor requesting that the Tax Cap Legislation be revisited and amended in such ways as to alleviate the stress on all municipalities. Clerk Potvin noted that the State Comptroller has announced that the allowable levy growth factor (tax cap) for those municipalities with fiscal years that begin June 1, 2016 will be 0.12%. This is due to the fact that pursuant to the tax cap law, the allowable levy growth factor is 2% or the CPI, whichever is less. Supervisor Caruso then asked the Board how they wish to proceed and should a letter be sent to the Governor as requested. Councilwoman Prestia stated she is not in favor of supporting the request and no further comments were received.

d. Boy Scout Troop Eagle Scout Project:

A presentation was made by Boy Scout Brian Conlon with regards to his Eagle Scout project. He indicated that he would like to complete his project at Earls Reservoir by building three exercise stations and creating a map detailing the length of a lap around the lake for joggers. Councilman Hunter asked if the exercise stations will be secure and Brian said yes. Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to approve the project.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
 NOES 0

EXTRA ITEM – Resolution Appointing Hearing Officer:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to adopt the following resolution:

WHEREFORE, Ralph Caruso, Town Supervisor, on behalf of the Town Board, has filed Charges of Misconduct and Incompetence No. 01-2015 dated October 17, 2015 pursuant to Section 75 of the New York Civil Service Law;

WHEREFORE, Supervisor Caruso, on behalf of the Town Board, filed Amended and Additional Charges of Misconduct and Incompetence No 02-2015 dated December 9, 2015 pursuant to Section 75 of the New York Civil Service Law

WHEREFORE, pursuant to Section 75 of the New York Civil Service Law, a hearing on Charges of Misconduct and Incompetence No. 01-2015 and No. 02-2015 will be held before a hearing officer, who shall make a record of such hearing, which shall, with the hearing officer's recommendations, be referred to the Town Board for review and decision on the Charges of Misconduct and Incompetence.

NOW THEREFORE BE IT RESOLVED that the Town Board appoints Robert Ponzini, Esq. as hearing officer to conduct the hearing on the Charges of Misconduct and Incompetence No. 01-2015 and No. 02-2015. The date and time of such hearing will be determined at a later date.

ADOPTED BY ROLL CALL AS FOLLOWS:

Supervisor Caruso	AYES
Councilman Arone	AYES
Councilman Hunter	AYES
Councilman Palermo	AYES
Councilwoman Prestia	AYES

EXTRA ITEM – Resolution regarding FOIL Denial Appeal:

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to adopt the following resolution affirming the Town Clerk’s denial of Freedom of Information (FOIL) Request 2015-00260 submitted by Ramona Brown for court records:

WHEREAS, the Town of Woodbury Town Clerk received Freedom of Information Law (FOIL) Request 2015-00260 on November 19, 2015, requesting “Town of Woodbury court 10/28/2009 hearing documents for Dwayne Brown”; and

WHEREAS, the Town of Woodbury Records Access Officer, the Town Clerk, responded to FOIL Request 2015-00260 on November 19, 2015, denying the request on the grounds that based on Public Officers Law §86(1) (defining “agency”) and §86(3)(defining “judiciary”), court records are not subject to FOIL; and

WHEREAS, on December 7, 2015, the Town received applicant’s appeal of the Town Clerk’s determination and the Town Board considered this appeal pursuant to section 247-7 of the Town of Woodbury Code;

NOW, THEREFORE, IT IS HEREBY

RESOLVED, the denial is affirmed. If the applicant seeks court records it is suggested that a request for records be made to the Town Justice Court Clerk pursuant to section 2019-a of the Uniform Justice Court Act.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
 NOES 0

IV. Department Reports:

a. Supervisor’s Report – November 2015

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to accept the Supervisor’s Report for November 2015 with receipts totaling \$218,903.23 and disbursements totaling \$1,589,120.81.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
 NOES 0

b. Town Clerk’s Report – November 2015

c. Parks/Recreation Minutes – October 12 and November 16, 2015

d. Animal/Goose Control Report – November 2015

e. Police/Communications Report – November 2015

f. Beautification Committee Minutes – December 10, 2015

g. Library Minutes – November 24, 2015

h. Budget vs. Actual – November 2015

V. Board Member Comments:

The Board collectively wished all a Merry Christmas and Happy New Year. Some also thanked Councilwoman Prestia and Supervisor Caruso for their service during their time in office.

Councilman Arone thanked Alice Rodden for her donation to the Friendly Visitors program. He announced training sessions are scheduled for those that want to volunteer. They consists of two parts

– the first being January 19 at 10am and the second January 26 10am (must attend both sessions) and will be held at the Village Hall. Councilman Palermo thanked Councilman Arone for bringing this program to Woodbury.

Councilwoman Prestia thanked everyone she has worked with over the past four years noting it was her honor to serve with so many dedicated people.

VI. Public Comment:

Lieutenant Abbott announced that two youths (age 15 and 16) have been arrested in connection with the vandalism that occurred at the John P Burke Memorial Pond. Because of their age, the cases are sealed so he is unable to comment further.

Thomas Burke stated at a past meeting Supervisor Caruso presented a proposal to construct a new Town Hall on property adjacent to the Senior Center. He asked if the Board authorized the Supervisor to do this or did the Supervisor do so on his own. Supervisor Caruso stated he believes this issue was initiated several years ago by former Supervisor John Burke but was paused due to the possibility of the Education Center becoming available. Since the Education Center was withdrawn by the School District, it was suggested at a meeting that he pursue alternatives. Councilman Hunter stated he does not believe that to be accurate, adding that he did speak about the issue briefly once with Supervisor Caruso. Councilman Palermo stated he does not recall having a conversation. Councilman Arone stated he did not either. Supervisor Caruso added he does not recall who brought up the discussion. Councilwoman Prestia stated discussions have been held for years about the condition of the existing Town Hall building, specifically its inadequacy, inside and out. Councilman Palermo thanked Engineer Fusco for being able to secure \$75,000 for a grant for an elevator to be installed at Town Hall. Supervisor Caruso noted that the Board was against the elevator when it was applied for. The Board agreed that a new Town Hall is needed.

Sandra Capriglione reminded the Board that former Supervisor Sheila Conroy had also looked into a new Town Hall, as well as former Councilman John Kelemen. Supervisor Caruso added that in 1982 while he served at Councilman he proposed a new Town Hall as well.

Maria Hunter noted that at the November 19 meeting Supervisor Caruso mentioned that the Pilgrim Pipeline project was coming. She immediately researched the issue and, as Planning Board Chairperson, directed her consultants to send a letter stating the Planning Board would like to be considered as an interested, concerned agency. She then stated that the he said/she said amongst the Board needs to stop as well as the bickering. With regards to the plan proposed by Engineer Fusco for a new Town Hall adjacent to the Senior Center, she feels it has a lot of inadequacies and will not work. She then thanked the members of the Beautification Committee for all the work they did this season. She reminded the public that funds to pay for the decorations do not come from tax dollars but from rent paid by the Harriman Common, which she feels should be increased.

Supervisor Caruso summarized some accomplishments/savings he was able to achieve during his tenure as Supervisor - save taxpayers \$233,000 in bond interest over the next eight years by refinancing existing debt; obtained a \$75,000 grant to install an elevator in Town Hall; saved taxpayers money by not hiring a confidential secretary, not enrolling in health benefits or the retirement system, organized a coalition with municipalities in Southern Orange County to fight annexations from Kiryas Joel and the construction of their pipeline; submitted a proposal for a new Town Hall, developed a proposal for an emergency access road from lower Skyline to upper Skyline; kept the 2016 budget below

the tax cap requirement. He then corrected some untruths that were said about him during the election campaign, specifically his time serving as a Police Commissioner and on the Board of Health in Woodbury. Finally, he thanked and acknowledged all that voted for him and worked closely with him during the past year. Specifically, he named Eileen Sutherland, Maxine Saracino and Laura Morrissey. He wished the incoming Board luck in 2016.

VII. Adjournment:

With no further comments received or business to discuss, a motion was offered by Councilwoman Prestia, seconded by Councilman Palermo, to adjourn the meeting at 8:15PM.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
 NOES 0

Desiree Potvin, Town Clerk