

Minutes of the Town Board Meeting held at Town Hall on November 5, 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; Robert Weyant, Highway Superintendent; David Hasin and David Levinson, Town Justices; Carol Herb, Tax Collector; Joseph Gianzero, Parks Director; Dorothy Morris, Library Board; Lorelei Pitt, Budget Officer; Arthur Abbott, Police Lieutenant; Kevin Phillips and Kevin Watson, Police Sergeants; Jahn Farrell, Police Officer; David Sutz, Village Trustee; Maria Hunter, Village Planning Board; Sandra Capriglione, Village Zoning Board

I. Public Hearing:

a. FY2016 Preliminary Budget:

Town Clerk Potvin stated a public hearing is being held to entertain public comments on the 2016 Preliminary Budget. The public notice was printed in the Times Herald Record on October 29, 2015 with the salaries of the elected officials posted as follows: Town Supervisor \$53,130; Town Clerk \$58,225; Justices (2) \$29,791 each; Council (4) \$8,441 each; Tax Collector \$15,385. Supervisor Caruso then asked if there were any comments to be made regarding the salaries of the elected officials as proposed and the following comments were:

Judge Levinson stated his court is the best in Orange County, noting it is the third highest revenue producing court in Orange County generating \$926,000, of which \$506,000 goes directly to the Town. Both he and Judge Hasin are on call 24/7 to conduct arraignments. He feels the court is a “death trap” and both judges are one of the lower paid judges in Orange County. He was told that the salaries would be adjusted to be comparable to other courts. He is embarrassed that the Board did not provide them with the increase they requested and requested the Board reconsider. Judge Hasin added that he enjoys his job and feels both judges should be recognized for the work they do in comparison to the other Town judges throughout the County.

James Freiband stated he feels the Supervisor and Town Board members’ salaries should be lowered since they are losing the responsibility of the Highway Department. He was told that the Supervisor and Town Board have no authority over the Highway Department other than approving the budget so there is no correlation between their salaries and that department.

With no further comments received regarding the salaries of elected officials, Supervisor Caruso stated the public official’s salary portion of the budget hearing was closed. The rest of the budget was then open for public comments. It was requested that speakers state which specific line-item or department they wish to comment on when the page is being addressed. The following comments were received (*NOTE - Comments are not in the order received but grouped by individual making them*):

Budget Officer Pitt explained the budget process in detail and the calendar that is followed. She thanked all that were involved in the budget process.

James Freiband raised concerns he had on over 150 budget line-items, speaking for about one hour. He feels the Board is “padding” the budget and although the tax levy is shown to be reduced, it does not take into account the Village taxes that will be raised due to the Highway transfer. He accused the Board of building a budget to meet the tax cap, which he feels is unethical and illegal. When making his comments, he continually compared the proposed budget figure to the “year-to-date” spending figures, which was explained to him would only include invoices received to date.

Maria Hunter asked if a “slush fund” was being created in the budget. Budget Officer Pitt stated there was not and that great care was put into the budget to ensure that it is fair and responsible.

Jonathan Swiller stated he agrees with the statement made by the two judges and recommend the Board takes them into consideration.

Councilman Hunter stated to have someone refer to the budget as a slush fund is insulting. He noted that honest people worked on the budget and an apology should be issued.

Councilwoman Prestia noted that all employees worked hard to keep the budget in-line and the Department Heads all submitted responsible budget estimates. She recommended to Mr. Freiband that he follow the budget through to the closing of the fiscal year to see accurate information.

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

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

The Board will accept written comments until 4PM on November 13, 2015 to be received by the Town Clerk's Office. They will review and discuss all comments at the November 16 Preliminary Town Board meeting.

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 October 15, 2015.

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

Motion was then offered by Councilman Arone, seconded by Councilman Palermo, to accept the minutes of the preliminary board meeting held November 2, 2015.

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

b. Approval of Budget Modifications:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve a modification to the budget of the Senior Center by increasing A2705 (Gifts and Donations) by \$281 and increasing A7620.469 (Kitchen/Food Supplies) by \$281.

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

Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to approve a modification to the budget of the Highway Fund by decreasing DB5110.472 (Sidewalks) by \$3728, DB5110.464 (Liquid Calcium) by \$2143, DB5110.470 (Road Oil) by \$9345, DB5130.452 (Blacktop Equipment) by \$22,651 and increasing DB5110.465 (Blacktop) by \$34,139, DB5110.452 (Sand/Gravel) by \$2437, DB5110.474 (Metal/Steel) by \$691, DB5142.452 (Road Sand) by \$556, DB5130.454 (Oils/Lubes) by \$44.

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

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve a modification to the budget of the Woodbury Common BID by decreasing SMB3120.100 (Police Personnel Services) by \$600 and increasing SMB3120.403 (Policing – Other Agencies) by \$600.

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

Motion was offered by Councilwoman Prestia, seconded by Councilman Palermo, to approve a modification to the budget of the Police Department by decreasing B3120.458 (Psych/Medical Evaluation) by \$1500 and increasing B3120.424 (Less Lethal Training) by \$1500.

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

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve a modification to the budget of the Senior Center by increasing A2705 (Gifts and Donations) by \$16 and increasing A7620.469 (Kitchen/Food Supplies) by \$16.

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

c. Approval of Abstract:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve Revised Abstract 19 by voiding voucher 20152421 (check #14569) in the amount of \$450. This reduces the total of the abstract to be \$405,847.62.

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

Motion was then offered by Councilman Palermo, seconded by Councilman Arone, to approve Abstract 20 containing vouchers 20152428 – 20152617 and totaling \$477,720.99.

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

d. Advertise for Upcoming Vacancies – Various Boards:

Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to authorize the Town Clerk to advertise for upcoming vacancies/expired terms on the following boards/commissions: Board of Assessment Review, Library Board, Parks and Recreation Commission. Letter of interest are to be submitted to the Town Clerk's Office by 4PM on December 4, 2015.

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

III. Old Business:

a. Improvements to Town Property (f/k/a Gasho Property):

A letter dated October 19, 2015 was received from Engineer Fusco detailing the costs of the proposed work to be remediated on the property formerly known as Gasho and now owned by the Town. This letter was a result from discussions held at the last meeting (October 15). Councilman Palermo stated he would like to meet with Engineer Fusco at a preliminary meeting to go over the letter presented and to explain his recommendations in further detail.

EXTRA ITEM – Resolution Authorize Article 78 Against NYSDEC:

Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to adopt the following resolution authorizing the Town of Woodbury to initiate litigation challenging the issuance of a water-taking permit by the NYSDEC for Mountainville Well No. 1:

WHEREAS, the Town Board of the Town of Woodbury, New York, has a right and responsibility to be certain that all laws, rules and regulations are complied with involving matters impacting on Town residents; and

WHEREAS, the Village of Kiryas Joel, New York, has acquired certain real property in the hamlet of Mountainville on Route 32 within the Town of Cornwall which the Village proposes to use as a site for a well; and

WHEREAS, over the objections of neighboring municipalities, environmental groups, agencies and private citizens, the DEC has issued a permit to the Village of Kiryas Joel for use of the said well as a primary source of drinking water; and

WHEREAS, the Town of Woodbury’s attorneys and its consultants have reviewed the permit issued by the DEC for the well and have advised the Town Board that a number of substantive errors were made in issuance of the permit including, among other things, failure to appropriately limit the daily amount to be drawn from the well and to provide adequate conditions and safeguards for protection of local privately owned wells and preservation of the Woodbury Creek; and

WHEREAS, the Town Board finds that it is in the public interest to appeal to the Courts for legal review of the permit issued by the DEC for the Mountainville well on Route 32.

NOW THEREFORE, it is resolved by the Town Board as follows:

1. The Town Attorneys, Catania, Mahon, Milligram & Rider, PLLC, along with its Special Counsel, David Gordon, Esq., are hereby directed to take all steps necessary to commence litigation to challenge the permit issued by the DEC to the Village of Kiryas Joel for the Mountainville Well on Route 32; and
2. The Town Supervisor is authorized to execute any and all documents necessary to prosecute such litigation.

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

IV. New Business:

a. Central Hudson – Confidentiality and Nondisclosure Agreement:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to authorize the Supervisor to sign the “Confidentiality and Nondisclosure Agreement” provided by Central Hudson as part of their requirement under New York State Public Service Law Part 6-2.

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

b. Signing of Bond – Tax Collector/Deputy Tax Collector:

The Board members signed the bond for the Tax Collector/Deputy Tax Collector for the collection of property taxes in 2016. This is required to be filed with the County Clerk in order for the collection warrant to be issued.

c. Update – Parks 2015 Season:

Director Gianzero thanked the Town Board for supporting the Parks Department, adding that it is crazy that residents feel that the Board should take a pay cut, especially since they attend all town functions. He then read a letter from a resident thanking the Parks Department for all that they do. He informed the board that the John P Burke Memorial Pool had an attendance of 22,108 this year, compared to 19,483 last year. Earl’s Reservoir had an attendance of 19,000 this year, compared to 15,000 last year. He reminded all that Camp Rez is fully funding by enrollees and does not cost taxpayers any money. This year 121 participated in the first session (last year 110) and 98 in the second session (75 last year). The thanked all the departments for assisting in making the Parks Department a success this year.

EXTRA ITEM – Municipal Facilities:

Supervisor Caruso noted that the plans to rent the Education Center appear to have fallen through. He has been working with Engineer Fusco on an alternate plan, which he presented to the Board this evening. The proposal is to improve the lot adjacent to the Highway garage.

V. Board Member Comments:

The Board members collectively congratulated David Sutz and Michael Essig on their successful elections to the Town Board. The Board members also thanked Supervisor Caruso and Councilwoman Prestia for their time served. The public was also recognized for exercising their right to vote.

Councilwoman Prestia thanked the Parks Department for hosting a very successful Halloween Party at Earls Reservoir. She also thanked the Chamber of Commerce for hosting the Candidate Q&A held prior to the election.

VI. Public Comment:

Lieutenant Abbott stated that Halloween was very successful this year resulting in zero complaints being received by the Police Department. Extra patrols were in every neighborhood and the PBA was recognized for donating candy to be distributed by officers. He also thanked the Chamber of Commerce for hosting their annual "Trunk or Treat" which was again very successful this year. He also read a letter from a resident thanking the department for their assistance during a domestic call last month.

James Freiband congratulated those that were successful in their election and he thanked Councilwoman Prestia and Supervisor Caruso for serving. He noted there are many homes for sale in our community and feels that better "head way" needs to be made to keep taxes reasonable. He feels an effort should be made to ensure that tax money is not being spent where it does not need to be spent. Regarding the Gasho property, he offered his services to the Town to assist on the remediation project at no cost. Regarding the resolution adopted this evening authorizing litigation, he feels that the Town should work with the communities involved to present one case jointly thus eliminating the need to spend money on duplicated services, nothing he feels that this issue is a political battle rather than a legal battle. Attorney McKay noted that the Town of Cornwall, Village of Cornwall-on-Hudson and the Town/Village of Woodbury are working together on this issue and it was stressed that no duplication would occur so money is not spent that does not have to be.

David Sutz thanked Supervisor Caruso and Councilwoman Prestia for their service. He felt the meeting tonight was very informative. He noted that almost 1/3 of the Town's population voted which he thought was a good showing. He looks forward to working with the Town Board to move the Town forward.

Rey Hernandez congratulated the present Board for their service and stated he looks forward to working with new Board. He would like to discuss and comment on an audio recording that was released by Chief Vasquez that contained a meeting of Supervisor Caruso, Clerk Potvin and Chief Vasquez. He felt the comments made on the recording are alarming as he is a Hispanic. He noted that he and Chief Vasquez worked together at the NYPD and they were partners for five years. He feels Chief Vasquez is a very honorable man and dedicated to law enforcement. He then asked several questions relating directly to the conversations that took place on the recording. Attorney McKay stated the questions raised by Mr. Hernandez are matters relating to pending disciplinary charges. These charges, under State Law, are not able to be disclosed and he has advised the Board to not comment. Additionally, the recording and its release are under investigation at this time. Mr. Hernandez stated he disagrees and feels his questions relate to the actions of the Supervisor and his responsibility to the taxpayers.

Michal Essig thanked Supervisor Caruso and Councilwoman Prestia for their service and thanked the residents that came out to vote. He stated he looks forward to working together to make Woodbury the best.

VII. Adjournment:

With no further comments received or business to discuss, a motion was offered by Councilman Palermo, seconded by Councilman Arone, to adjourn the meeting at 10:05PM.

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

Desiree Potvin, Town Clerk