

Minutes of the Town Board Meeting held at Town Hall on October 15, 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; Carol Herb, Tax Collector; Timothy Egan and David Sutz, Village Trustees; Maria Hunter, Village Planning Board

I. Public Hearings:

a. Special Assessment Districts:

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 8, 2015. 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. With no comments received, a motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to close the hearing on the Consolidated Sewer District assessment roll.

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

WATER DISTRICT #6:

The public hearing on the assessment roll for Water District #6 was opened. With no comments received, a motion was offered by Councilman Arone, seconded by Councilman Hunter, to close the hearing on the Water District #6 assessment roll.

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

SEWER DISTRICT #1:

The public hearing on the assessment roll for Sewer District #1 was opened. With no comments received, a motion was offered by Councilman Arone, seconded by Councilman Hunter, to close the hearing on the Sewer District #1 assessment roll.

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

REFUSE DISTRICT:

The public hearing on the assessment roll for the Refuse District was opened. With no comments received, a motion was offered by Councilman Hunter, seconded by Councilman Arone, to close the hearing on the Refuse District assessment roll.

ADOPTED AYES 5 Caruso, Arone, Hunter, 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. With no comments received, a motion was offered by Councilman Arone, seconded by Councilman Hunter, to close the hearing on the Highland Lake Estates Sewer District assessment roll.

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

BRIGADOON SEWER DISTRICT:

The public hearing on the assessment roll for the Brigadoon Sewer District was opened. With no comments received, a motion was offered by Councilman Hunter, seconded by Councilwoman Prestia, to close the hearing on the Brigadoon Sewer District assessment roll.

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

Motion was then offered by Councilman Arone, seconded by Councilwoman Prestia, to adopt 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 Brigadoon Sewer District.

ADOPTED BY ROLL CALL AS FOLLOWS:

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

b. Tax Cap Override:

A public hearing was held to entertain public comments on the adoption of Introductory Local Law 4 of 2015 to override the tax levy limit established in General Municipal Law Section 3-c for the 2016 fiscal year. The public notice was printed in the Times Herald Record on October 8, 2015 and the following comments were received:

Supervisor Caruso stated he is not in favor of overriding the tax cap. He believes the Department Heads were very frugal with their budget and the Town is in a position to be under the tax cap by a significant amount of money.

Councilwoman Prestia stated she agrees and thanked the Department Heads for their work.

Attorney McKay explained this law would authorize the Board to exceed the tax cap restriction but does not require the Board to do so.

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

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

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

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Woodbury on October 1, 2015 scheduling a public hearing to be held by said Governing Body on October 15, 2015, to hear all interested parties on a proposed local law entitled "A Local Law To Override the Tax Levy Limit Established in General Municipal Law §3-c"; and

WHEREAS, on October 1, 2015, the Town Board designated itself as Lead Agency with respect to the SEQRA review of the foregoing proposed local law, classified the proposed action as an Unlisted

action under SEQRA, and scheduled a public hearing to receive comments with respect to the proposed local law and any potential adverse environmental impacts of the action in accordance with SEQRA; and

WHEREAS, notice of said public hearing was duly advertised in the Times Herald-Record, the official newspaper of said Town, according to law; and

WHEREAS, said public hearing was duly held on October 15, 2015, at the Town Hall, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Town Board has reviewed the proposed local law, the short environmental assessment form prepared in connection therewith, and the public comments provided at the aforesaid public hearing, and after due deliberation thereon.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town Board finds that:

- 1) the proposed local law has no significant adverse environmental impacts and issues a negative declaration thereon;
- 2) the adoption of the proposed local law is in the best interests of the residents of the Town, and hereby adopts said Local Law No. 4 of 2015, entitled "A Local Law To Override the Tax Levy Limit Established in General Municipal Law §3-c", as printed at the end of these minutes; and
- 3) hereby directs the Town Clerk to give due notice of the adoption of said Local Law to the Secretary of the State of New York.

ADOPTED BY ROLL CALL AS FOLLOWS:

Supervisor Caruso	NO
Councilman Arone	YES
Councilman Hunter	YES
Councilman Palermo	YES
Councilwoman Prestia	NO

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to accept the minutes of the regular meeting held October 1, 2015.

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

Motion was then offered by Councilman Arone, seconded by Councilman Hunter, to accept the minutes of the preliminary meeting held October 12, 2015.

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

b. Approval of Abstract(s):

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to approve Revised Abstract 17 by voiding voucher 20152130 (check #14468) for the amount of \$853.50 which reduces the total of the abstract to be \$333,359.94.

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

Motion was then offered by Councilman Hunter, seconded by Councilman Palermo, to approve Abstract 19 containing vouchers 20152269 – 20152427 totaling \$406,297.62.

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

c. Approval of Budget Modification(s):

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to approve a modification to the budget of the Highway Fund by increasing DB599 (Appropriated Fund Balance) by \$50,000 and increasing DB5142.466 (Salt & Liquid Calcium) by \$50,000.

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

Motion was then offered by Councilman Arone, seconded by Councilman Hunter, to approve a modification to the budget of the Police Department by increasing B599 (Appropriations) by \$15,000 and increasing B3120.415 (Police/Legal) by \$15,000.

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

Motion was then offered by Councilman Arone, seconded by Councilwoman Prestia, to approve a modification to the budget of the Justice Court by decreasing A1110.448 (Miscellaneous) by \$75 and increasing A1110.444 (School & Dues) by \$75.

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

Motion was then offered by Councilman Hunter, seconded by Councilman Arone, to approve a modification to the budget of the Highway Fund by increasing DB599 (Appropriated Fund Balance) by \$25,760 and increasing DB1980.400 (Unallocated Insurance) by \$25,760.

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

d. Appointment of Full-Time MEO:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to appoint Jason Dziejdz to the position of full-time MEO effective October 19, 2015 at a rate of \$25.60/hour pursuant to the UPSEU 2015 Highway Salary Schedule.

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

III. Old Business:

a. Schedule Public Hearing – FY2016 Preliminary Budget:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to schedule a public hearing to be held on November 5, 2015 at 7:30PM to entertain public comments on the FY2016 Preliminary Budget. Copies of the preliminary budget will be available for public inspection and on the website as of October 29, 2015.

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

b. Authorize Supervisor to Sign Commitment Letters – Refunding Bond Consultants:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to authorize the Supervisor to sign commitment letters with consultants relating to the refunding bonds previously authorized on September 3, 2015.

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

c. Gasho Property Discussion:

Councilman Hunter stated last year the Town purchased property from Gasho and he feels that it has real potential but has several concerns about its current state: 1) A proposal was submitted

shortly after the purchase to clean up the property by cutting some dangerous trees and having them removed but this work was never done and he feels the ball was dropped; 2) Reports have been received that there is asbestos abatement needed to be done at the old inn building; 3) An old dump truck needs to be hauled away; 4) There are buildings on the site that need to be demolished so children are not tempted to trespass and play in them; and 5) The roadway into the site belongs to the Town but the restaurant uses the road to access their facility so there should be an easement in place. Regarding #5, Attorney McKay noted, as part of the sale, the Town has a declaration with respect to the roadway. Supervisor Caruso stated he agrees the property needs to be addressed and at one of the budget worksessions the issue was discussed. When the bond was secured for the purchase a portion was supposed to be used towards mitigation and there is approximately \$57,000 remaining. The estimated cost for all the work to be done was almost \$300,000. He suggested having the asbestos abatement done first and then perhaps the other work can be done internally by either the Fire or Highway Department. Councilman Palermo stated there are five very dangerous buildings on the site and the posting of “no trespassing” signs does not stop our liability. He feels the entire cost can be budgeted for next year. Supervisor Caruso stated he does not feel there is a need to exceed the tax cap for this issue since the property is insured and more signs can be erected as well. Councilman Palermo added he recalls that the insurance company did not look kindly on the Fire Department doing training exercises on the site. Councilman Arone suggested that Engineer Fusco be contacted to break the estimate up by job to determine the actual cost of each phase. He also suggested NYMIR be contacted to see if they are okay with the Fire or Highway Department doing the demolition on the property, noted if an accident were to occur the Town would be sued regardless of how many signs are posted. Councilwoman Prestia noted there are still two budget meetings scheduled and suggested the information be obtained prior to the budget being finalized. Supervisor Caruso stated he will report back to the Board the information he obtains.

IV. New Business:

a. Advertise for Auction – Sale of Surplus Equipment:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to declare the following equipment as surplus and authorize the Town Clerk to advertise their sale on Auctions International:

- *Police Department* – three (3) rooftop emergency light bars, assorted car accessories, two (2) 2009 Dodge Chargers
- *Highway Department* – 2004 International Dump Body, four (4) plows, light fixtures, tires, broom attachment, south bend lathe
- *Town Hall* – two (2) photocopies, a printer, various sound equipment, speaker

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

b. Authorize Membership Dues – Moodna Creek Watershed Intermunicipal Council:

Motion was offered by Councilwoman Prestia, seconded by Councilman Hunter, to authorize the expenditure of membership dues beginning in 2016 in the amount of \$500 for the Moodna Creek Watershed Intermunicipal Council.

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

c. Authorize Supervisor to Sign 2015/2016 Justice Court Assistance Program Grant:

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to authorize the Town Justice Court to participate in the 2015/16 Justice Court Assistance Program and to authorize the

Supervisor to sign any and all necessary documents relating to the application process.

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

V. Department Reports:

a. Supervisor’s Report – September 2015

Motion was offered by Councilman Hunter, seconded by Councilman Arone, to approve the September 2015 Supervisor’s Report with receipts totaling \$137,529.45 and disbursements totaling \$1,176,389.26.

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

b. Town Clerk’s Report – September 2015

c. Parks/Recreation Minutes – None Received

d. Animal/Goose Control Report – September 2015

e. Police/Communications Report – September 2015

f. Beautification Commission Minutes – October 8, 2015

g. Library Minutes – None Received

h. Budget vs. Actual – September 2015

VI. Board Member Comments:

Councilwoman Prestia thanked the Department Heads for submitting reasonable, responsible budgets. She also noted that recently she visited the Historical Society for the first time and thought it was a great experience.

Supervisor Caruso stated a few months ago a resident from the Skyline development asked him a question about an emergency access road to access upper Skyline. He conducted some research and spoke to Superintendent Weyant about it. There was some concern about the possible encroachment on private property at the location. Engineer Fusco and he walked the trail and it has been determined that an emergency gravel road could be constructed entirely on Town property. Yesterday blueprints were received to create the 20’ access gravel road from Skyline Drive to Cedar Road, which would provide emergency access for EMS. The estimate to do the work ranges from \$50,000 to \$60,000 and there is money in the budget to do the work this year.

VII. Public Comment:

Town Clerk Potvin reminded all that there is a curfew imposed for Halloween pursuant to Chapter 117 of the Town Code. She then announced the 2nd Annual Pasta Dinner to raise funds for the John P Burke Memorial will be held on November 14 at the Highland Mills Firehouse.

David Sutz applauded the Town Board for moving forward to address the Gasho property and the dangers that exist there. He also suggested the Board determine which entity (Town or Village) would be the owner of the emergency access road once it is created.

Maria Hunter stated for the past three years Councilwoman Prestia has voted for the tax cap override law and is disappointed that she voted against it this year. She applauds the three members for voting in favor of it “just in case” a situation arises that is not planned for. She feels the tax cap law protects the residents. Councilwoman Prestia stated she feel that “pencils should be sharpened” instead of having the law in place. Councilman Palermo stated the Board has tried every year to stay within the tax cap and has successfully done so with the exception of one year. That particular year the

Woodbury Common offered to purchase an additional police car for the Town through the BID. If the law was not in place, the Town would have needed to turn down the money. He feels that by not having the law in place it is a disservice to the taxpayers and an unnecessary risk. Supervisor Caruso noted that at this time the proposed budget is approximately \$200,000 below the tax cap and he does not feel it is necessary to have the law in place.

820PM – Executive Session:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to enter into an executive session to discuss the work history of particular employee.

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

No minutes of the executive session were recorded.

After their discussions were held, a motion was offered by Councilman Arone, seconded by Councilman Hunter, to end the executive session and return to the open meeting.

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

EXTRA ITEM – Authorize Disciplinary Charges:

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to authorize the preference of disciplinary charges #01-2015 against a particular Town employee.

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

VIII. Adjournment:

With no further business to discuss or comments received, a motion was offered by Councilman Hunter, seconded by Councilwoman Prestia, to adjourn the meeting at 9:30PM.

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

Desiree Potvin, Town Clerk

Local Law No. 4 of the year 2015
Town of Woodbury, County of Orange

A local law to override the tax levy limit established in General Municipal Law §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, 2016 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, 2016 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.