

Minutes of the Town Board Meeting held at Town Hall on June 18, 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;
Dorothy Morris, Library Board; Maria Hunter, Village Planning Board

I. Public Hearing(s):

a. Introductory Local Law 2 – Compensation of Town Justice David Levinson:

A public hearing was held to entertain public comments on Introductory Local Law 2 of 2015 entitled “Compensation of Town Justice David Levinson” to modify the proposed temporary increase to Judge Levinson’s salary while he covers Judge David Hasin’s docket, and to review any potential adverse environmental impacts of the proposed local law. The public notice was printed in the Times Herald Record on June 11, 2015.

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

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

Motion was then offered by Councilman Arone, seconded by Councilman Palermo, to declare this action as a negative declaration under SEQRA and to authorize the Town Clerk to file the local law with the Secretary of State.

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

Motion was then offered by Councilwoman Prestia, seconded by Councilman Hunter, to adopt Local Law 2 of 2015 entitled “Compensation of Town Justice David Levinson” as printed on page 251 - 252 of this minute book.

ADOPTED BY ROLL CALL AS FOLLOWS:

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

b. Introductory Local Law 3 – Beautification Committee:

A public hearing was held to entertain public comments on Introductory Local Law 3 of 2015 entitled “Beautification Commission” to repeal Chapter 16 of the Town Code and replace it with a new Chapter 16 entitled “Beautification Committee”. The public notice was printed in the Time Herald Record on June 11, 2015 and the following comments were received:

Maria Hunter, on behalf of the Commission and as the current Chairperson, thanked the Board for allowing the commission members to participate in the creation of the law. She noted that all members that were present at the Beautification Commission meeting in May agreed with the law as presented.

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

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

Motion was then offered by Councilman Arone, seconded by Councilwoman Prestia, to declare this action as a negative declaration under SEQRA and to authorize the Town Clerk to file the local law with the Secretary of State.

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

Motion was then offered by Councilwoman Prestia, seconded by Councilman Hunter, to adopt Local Law 3 of 2015 entitled "Beautification Committee" as printed on page 253 - 254 of this minute book.

ADOPTED BY ROLL CALL AS FOLLOWS:

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

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilwoman Prestia, seconded by Councilman Hunter, to accept the minutes of the regular meeting held June 4, 2015.

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

b. Approval of Abstract:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve Abstract 11 containing vouchers 20151323 – 20151423 (voiding voucher 20151402/check#13882) and totaling \$135,015.39.

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

c. Acceptance of Resignation – Part-Time Dispatcher:

Motion was offered by Councilwoman Prestia, seconded by Councilman Palermo, to accept the resignation of Shaun Graham from the position of part-time dispatcher effective June 1, 2015.

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

Supervisor Caruso stated he will send a letter to Mr. Graham thanking him for his service to the Town. Councilman Palermo wished Mr. Graham luck in his future with the NYFD.

d. Acceptance of Resignation – Part-Time Clerk:

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to accept the resignation of Susan Francella from the position of part-time clerk with the Police Department effective June 19, 2015.

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

e. Appointment of Part-Time Police Records Clerk:

The Board discussed this issue at length regarding the aspects of the position and what necessitated the job title change from "Clerk" to "Police Records Clerk". Motion was then offered by Councilman Arone, seconded by Councilman Palermo, to approve the provisional appointment of Susan

Francella to the position of part-time Police Records Clerk effective June 20, 2015. This position is for 29 hours per week and is paid a rate of \$21.03 per hour pursuant to the UPSEU Salary Schedule (Grade V, Step 6A) and credit is being given for prior time served to the Town of Woodbury.

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

f. Appointment to Library Board:

Supervisor Caruso stated he and Library Board Chair Dorothy Morris met with the only individual that applied for the Library Board position this evening. Mrs. Morris stated she found the individual to be very energized and knowledgeable with regards to the younger population of our patrons. She believes the youth of our community are the future of the library. She thanked the Board for allowing her to assist with the interview process. Motion was then offered by Councilwoman Prestia, seconded by Councilman Palermo, to approve the appointment of Cathy Schmidt to the Library Board with a term to expire December 31, 2017.

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

III. Old Business:

EXTRA ITEM – Resolution Resolving Claim for Impounded Vehicles:

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

WHEREAS, on or about February 5, 2015, the Town of Woodbury Police Department took possession of two (2) 2015 BMW motor vehicles, bearing vehicle id numbers 5UXKR0C52F0K56332 and 5UXKR0C54F0K56347; and

WHEREAS, title holders to said vehicles have abandoned all claims to ownership of said vehicles as; and

WHEREAS, Wilson Fu, an individual with an address of 1277 16th Street, Fort Lee, New Jersey, and Tianjin Luxing International Trade, LLC, a limited liability company organized under the laws of the State of New Jersey, with an address of 96 Linwood Plaza, 135, Fort Lee, New Jersey, and Xinhua Media & Investments, LLC, a limited liability company organized under the laws of the State of New Jersey with an address of 96 Linwood Plaza, 135, Fort Lee, New Jersey (collectively hereinafter “the Fu Entities”), individually and collectively, claimed to be owners of the aforementioned motor vehicles; and

WHEREAS, the Fu Entities have provided evidence that they paid for the aforementioned motor vehicles; and

WHEREAS, on or about April 21, 2015, the Fu Entities filed a Notice of Claim against the Town of Woodbury; and

WHEREAS, the Fu Entities have agreed to pay the Town of Woodbury the sum of Six Thousand Five Hundred Eighty Six and 72/100ths (\$6,586.72) Dollars as and for the cost of towing, impounding and storing the aforementioned motor vehicles; and

WHEREAS, the Fu Entities have agreed to withdraw and settle the claim and have agreed to release, defend, hold harmless and indemnify the Town from liability relating to the Town’s possession of the aforementioned motor vehicles as well as the transfer of possession of the aforementioned motor vehicles from the Town to the Fu Entities; and

WHEREAS, the Fu Entities have agreed to enter into the Indemnification and Release Agreement;

NOW, THEREFORE, it is hereby resolved:

1. That the Town of Woodbury agrees to settle the claim by entering into an Indemnification and Release Agreement; and

2. That the Supervisor of the Town of Woodbury is hereby empowered, authorized and directed to enter into the Indemnification and Release Agreement on behalf of the Town of Woodbury.

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

IV. New Business:

a. Presentation – Eagle Scout Project:

Zachary Blasko, from Boy Scout Troop 4, is working to obtain his Eagle Scout status. The project he is proposing is to improve the deteriorated commuter bus shelter at the corner of Timber Ridge and State Route 32. His plan is to demolish the existing shelter and reconstruct a new one in the same footprint, reusing the cement pad already there. He also intends to replace the damaged bench and he will be working closely with the Village Building Department during all phases of the project. He will request assistance from the Highway Department to demolish the existing structure and the new one, which will be constructed offsite prior to the demolition, will be erected the same day. He will be doing fundraising while the application process goes through the review Board (July) and construction will begin in August. Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to approve this project.

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

V. Department Reports:

a. Supervisor’s Report:

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to approve the May 2015 Supervisor’s Report with receipts totaling \$228,314.41 and disbursements totaling \$957,458.16.

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

- b. Town Clerk’s Report – May 2015
- c. Parks/Recreation Minutes – May 20, 2015
- d. Animal/Goose Control Report – May 2015
- e. Police/Communications Report – May 2015
- f. Beautification Commission Minutes – No Meeting Held
- g. Library Minutes – May 26, 2015
- h. Budget vs. Actual – May 2015

VI. Board Member/Department Comment:

Councilman Hunter thanked the John P Burke Memorial committee and those involved in putting together the memorial to former Supervisor John Burke at the John P Burke Memorial Pool this past weekend. Councilman Arone and Councilwoman Prestia agreed.

Councilman Palermo reminded residents about the “free library birdhouses” at the parks that are open and available all season.

Councilwoman Prestia wished all a Happy Father’s Day. She then cautioned all to drive carefully since school will be out soon and more children will be playing outside.

Supervisor Caruso thanked all involved in getting the park facilities ready for the season. He also announced that on September 12 the Village of Montgomery will be holding their annual “General

Montgomery Day” festivities. On September 26 the Orange County Firemen’s parade will be held in Woodbury beginning at Noon on Brigadoon Blvd and ending at Bond Street. It is expected to bring an attendance of between 6000-8000. In addition, they anticipate each fire company in the County to bring three or four trucks each.

VII. Public Comment:

Dorothy Morris noted that at the beginning of July there will be some changes and possible inconveniences at both libraries, particularly at the Ida Cornell Branch. A grant has been received for improvements to the roof and soffits. Reconfiguration and updating of the stairway from the first floor to lower level is being done as well as the conversion of the bathrooms to be ADA compliant. There is also an elevator being installed. She is hopeful that the public will not be inconvenienced too much and noted contingency plans have been made if some of the summer programs need to be moved from the Ida Cornell Branch to the Rushmore Branch.

Maria Hunter announced that Woodbury Day is October 3 and information is available on their website, www.woodburyday.org. It will be held on Smith Clove Road and they are currently accepting vendor applications.

VIII. Adjournment:

With no further business to conduct or comments received, a motion was offered by Councilman Palermo, seconded by Councilman Arone, to adjourn the meeting at 8:10PM.

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

Desiree Potvin, Town Clerk

LOCAL LAW NO 2 OF 2015

A LOCAL LAW MODIFYING THE COMPENSATION OF TOWN JUSTICE DAVID L. LEVINSON

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WOODBURY AS FOLLOWS:

Section 1. Legislative Intent.

It is the intention of this Local Law to modify the salary paid to one of the Town's Justices in consideration of that Justice undertaking additional duties and responsibilities on a short-term basis as required for the efficient functioning of the Town of Woodbury Justice Court.

Section 2. Findings.

The Town Board of the Town of Woodbury finds that immediate measures are needed to ensure that the Town Justice Court is administered efficiently and that matters are adjudicated in a timely manner to protect the rights of individuals appearing therein. Given all the shopping attractions and the major transportation crossroads located within the Town of Woodbury, the Town of Woodbury Justice Court has an extremely high-volume docket. The proper and efficient functioning of the Court requires the attention of two (2) sitting Justices and a large administrative staff. The temporary medical leave of Justice David V. Hasin has caused him to be unable to perform his duties, and the exact date of Justice Hasin's return to duty is unknown. As such, Justice Levinson has agreed to handle all matters pending before the Town Court for the period of Justice Hasin's absence. The Town Board finds and determines that Justice Levinson's salary should be modified to properly compensate him for the additional duties that will be undertaken during this time. This Local Law is adopted pursuant to the Town Board's authority under New York State Town Law § 27 and Article II of the General Municipal Law.

Section 3. Salary Modification.

The budgeted salary of Town Justice David L. Levinson for fiscal year 2015 shall remain the same. However, Justice Levinson's compensation will be increased \$1,500.00 per month starting on May 1, 2015, for each month he is required to cover all of Justice Hasin's judicial duties. If Justice Hasin returns to assume only a partial docket, before re-taking his full docket, then Justice Levinson's interim compensation shall be reduced. The reduction in compensation shall be proportionate to the portion of Judge Hasin's docket that Judge Levinson retains, until such time Justice Hasin is able to assume his full docket.

Section 4. Authority.

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede any special law to the extent it is inconsistent with the same and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute. This Local Law shall supersede any inconsistent Town local law.

Section 5. Rules and Regulations.

The Town Board is authorized to adopt rules and regulations, by resolution, to further implement the provisions of this Local Law.

Section 6. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Woodbury hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 7. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 8. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

**TOWN OF WOODBURY
LOCAL LAW 3 OF 2015**

**A LOCAL LAW REPEALING CHAPTER 16 OF THE CODE OF THE TOWN OF WOODBURY ENTITLED
“BEAUTIFICATION COMMISSION” TO REPLACE IT WITH A NEW CHAPTER 16 ENTITLED
“BEAUTIFICATION COMMITTEE”**

BE IT ENACTED by the Town Board of Town of Woodbury, Orange County, New York, as follows:

Section 1.

Chapter 16 of the Town Code of the Town of Woodbury, entitled “Beautification Commission” is hereby deleted in its entirety and replaced with the following provisions.

Section 2.

§ 16-1. Legislative intent.

The Town of Woodbury is one of the most beautiful municipalities in the State of New York. Within the town's borders are the Ramapo Mountains, Schunnemunk Mountains, West Point Reservation, Harriman State Park and other amenities which make the town a most attractive place to live and to work. With the tremendous construction in the town of residential, commercial and industrial facilities, it is apparent to the Town Board that steps must be taken to preserve the pristine character of the town. Due to the many responsibilities that the Town Board has, it has become increasingly apparent that the Town Board should create a committee whose sole function is to advise the Town Board on ways of maintaining the beauty of the town.

§ 16-2. Establishment of Committee

This volunteer committee will function under the auspices of the Buildings/Grounds Department.

§ 16-3. Designation of Members

- a) The Town Board shall appoint seven residents of Woodbury to serve as an Executive Board for the Beautification Committee. Each individual will serve a seven year term with one member's term expiring each year. The initial terms of appointment shall be staggered such that one member will be appointed for a term of seven years; one member appointed for a term of six years; one member appointed for a term of five years; one member appointed for a term of four years; one member for a term of three years; one member for a term of two years; one member for a term of one year. All subsequent terms shall be for a period of seven (7) years.
- b) The Executive Board shall designate, annually in January, one of its members to serve as Chairperson and one to serve as Secretary/Treasurer. Both will serve in this capacity without compensation.
- c) In addition to the Executive Board, any and all residents of the Town of Woodbury are able to volunteer to assist the Executive Board in completing the goals they set each year.

§ 16-4. Meetings of the Beautification Committee Executive Board

The Executive Board is required to meet no less than eight times per year. Minutes of each meeting are to be filed with the Town Clerk for official filing within two weeks of the meeting being held. A copy of the minutes shall also be provided to the Buildings/Grounds Superintendent.

§ 16-5. Reports Required by Beautification Committee Executive Board

The Committee's Executive Board shall submit an annual report to the Buildings/ Grounds Superintendent and Town Clerk in August of each year outlining its activities during the past year, including any instituted programs, objectives, goals and recommendations made to the Town Board.

SECTION 3.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. **Effective date.**

This local law shall take effect immediately upon filing with the Secretary of State in Albany.