

Minutes of the Town Board Meeting held at Town Hall on August 4, 2016 at 7:30PM

Present: David Sutz, Supervisor
Michael Essig, Robert Hunter and Frank Palermo, Councilmen
Absent: Timothy Arone, Councilman
Also Present: Kevin Phillips, Police Sergeant; Tracy Maggio, Clerk to the Supervisor; Robert Weyant, Village Streets Superintendent; Sandra Capriglione and Maria Hunter, Village Planning Board

I. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Palermo, seconded by Councilman Essig, to accept the minutes of the regular meeting held July 21, 2016.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
NOES 0

b. Approval of Budget Modifications:

Motion was offered by Councilman Essig, seconded by Councilman Hunter, to approve a modification to the budget of the Police Department by decreasing B3120.100 (Salaries) by \$64,698 and increasing B3120.101 (Compensated Absences) by \$64,698.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
NOES 0

Motion was then offered by Councilman Essig, seconded by Councilman Palermo, to approve a modification to the budget of the Police Department by increasing B3389 (Other Public Safety) by \$24,483 and increasing B3120.428 (IMA TN/CTY Newburgh-Homeland Security) by \$24,483.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
NOES 0

Motion was then offered by Councilman Essig, seconded by Councilman Hunter, to approve a modification to the budget of the Police Department by decreasing B3120.454 (Vehicle Gas) by \$25,000 and increasing B3120.415 (Legal/PBA Contract) by \$20,486, B3120.421 (Labor Attorney) by \$4514.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
NOES 0

Motion was then offered by Councilman Hunter, seconded by Councilman Palermo, to approve a modification to the budget of the Buildings/Grounds Department by increasing A599 (Appropriated Fund Balance) by \$3075 and increasing A1620.462 (Repairs/Materials) by \$3075.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
NOES 0

c. Approval of Abstract:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve Abstract 15 containing vouchers 20161279 - 20161362 and totaling \$291,200.39.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
NOES 0

EXTRA ITEM - Acceptance of Resignation - Court Clerk:

Motion was offered by Councilman Palermo, seconded by Councilman Essig, to accept, with regrets, the resignation of Randy Firestone from the position of part-time court clerk effective August 1, 2016.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
 NOES 0

II. Old Business:

a. Resolution - Settlement of Tax Certiorari:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to adopt the following resolution authorizing the Town’s attorneys to settle the tax certiorari litigation with Gasho of Japan, Inc.:

WHEREAS, an action was filed by Gasho of Japan, Inc. (“Gasho”) pursuant to Article 7 of the New York Real Property Tax law challenging the 2015 tax assessments applied against a certain parcel owned by Gasho located in the Town of Woodbury identified on the tax maps and assessment rolls of the Town of Woodbury as (i) Section 218, Block 1, Lot 19; and

WHEREAS, Gasho sought the following: a reduction in the 2015 assessment for Section 218, Block 1, Lot 19 from \$802,200.0 to \$80,220.00 (a reduction of \$721, 980.00)

WHEREAS, the Town Assessor, after performing a detailed analysis of the 2015 assessment of Section 218, Block 1, Lot 19 and the offers and counteroffers, which had been proposed, proposed that the 2015 assessment be reduced as follows: the assessment of Section 218, Block 1, Lot 19 be reduced to \$609,200.00; and

WHEREAS, the new assessment would result in a refund to the Petitioner of \$11,622.46 in School taxes, \$2,500.08 in Town taxes, \$1,314.96 in Village taxes and \$1,771.74 in County taxes; and

WHEREAS, pursuant to Section 727 of the New York Real Property Tax Law, the assessment fixed for 2015 would be frozen as to Sections 218, Block 1, Lot 19 for the 2016, 2017 and 2018 tax years; and

WHEREAS, Petitioner, Gasho, through its attorney, is willing to accept the reduction proposed by the Town Assessor and has signed a stipulation to that effect; and

WHEREAS, the Town Board of Woodbury has discussed and considered the issues related to the settlement of this matter; and

WHEREAS, the Town Board of the Town of Woodbury finds that it is in the best interest of the Town of Woodbury to settle this matter and is willing to accept the reduction in the assessment proposed by the Town Assessor from \$802,200.00 to \$609,200.00 for Section 218, Block 1, Lot 19; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Town’s attorneys Catania, Mahon, Milligram and Rider, PLLC shall have the authority to settle the matter described herein on behalf of the Town of Woodbury and the Board directs the Town’s attorneys or the Town Supervisor to execute the stipulation of settlement and any other necessary documents on behalf of the Town of Woodbury.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
 NOES 0

III. New Business: *There was no new business to discuss.*

IV. Public Comment: *There were no public comments received.*

V. Board Member Comment:

Councilman Essig noted that the Police Department experienced major flooding during the recent storms. He recognized Sergeant Watson and Officers Potter and Danielson for their efforts in saving the evidence and locker rooms from serious damage. All worked constantly to keep the flooding at bay. The Board is working to repair the building so flooding will not occur in the future.

Clerk Potvin reminded the public the public referendum on the bonding for the proposed municipal center is scheduled for September 20, 6AM-9PM at Town Hall. Supervisor Sutz added there are flyers being circulated containing information about the proposed municipal center. He urged all residents to contact Town/Village officials with any questions or concerns they may have.

7:35PM - Executive Session:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to enter into an executive session pursuant to Section 105(f) of the Public Officers Law to discuss one item leading to the appointment of a particular person.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
 NOES 0

There were no minutes of the executive session recorded.

VII. Adjournment:

With no further business to discuss, a motion was offered by Councilman Palermo, seconded by Councilman Hunter, to end the executive session and adjourn the meeting at 8:40PM.

ADOPTED AYES 4 Sutz, Essig, Hunter, Palermo
 NOES 0

Desiree Potvin, Town Clerk