

Minutes of the Town Board Meeting held at Town Hall, 511 Route 32, Highland Mills, New York on October 16, 2008 at 7:30PM

Present: John Burke, Supervisor
Geraldine Gianzero, Councilwoman
Amidee Haviland, Councilman
Carlton Levine, Councilman
Michael Queenan, Councilman

Absent: None

Also Present: Richard Liberth, Attorney for the Town; Peter Stabile, Highway Superintendent; Robert Kwiatkowski, Police Chief; Laura Breslin, Assessor

I. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Haviland, seconded by Supervisor Burke, to accept the minutes of the regular meeting held October 2, 2008.

ADOPTED	AYES	3	Burke, Haviland, Queenan
	ABSTAIN	2	Gianzero, Levine

b. Approval of Abstract:

Motion was offered by Councilwoman Gianzero, seconded by Councilman Levine, to approve amended Abstract 14 by deleting Voucher 20081387 (check #16822) in the amount of \$100.00. This will reduce the abstract total to \$123,312.40.

ADOPTED	AYES	5	Burke, Gianzero, Haviland, Levine, Queenan
	NOES	0	

Motion was then offered by Supervisor Burke, seconded by Councilman Haviland, to approve Abstract 22, Vouchers #20082139 - #20082230, totaling \$271,888.83.

ADOPTED	AYES	5	Burke, Gianzero, Haviland, Levine, Queenan
	NOES	0	

c. Budget Modifications:

Motion was offered by Supervisor Burke, seconded by Councilwoman Gianzero, to approve a modification to the budget of the Highway Department by decreasing DB5110.415 (Engineering) by \$1,000, decreasing DB5110.408 (Lumber/Carpentry) by \$1,740, decreasing DB5110.414 (Bonding/Legal) by \$822, decreasing DB5130.200 (Machinery Equipment) by \$7,000 and increasing DB5110.476 (Trimming) by \$3,562, increasing DB5130.447 (Truck Parts) by \$7,000. The total amount of the modification is \$10,562.

ADOPTED	AYES	5	Burke, Gianzero, Haviland, Levine, Queenan
	NOES	0	

Motion was then offered by Councilman Queenan, seconded by Supervisor Burke, to approve a modification to the budget of the Animal Control Officer by decreasing A3510.200 (Equipment) by \$1,000 and increasing A3510.453 (Gas, Oil & Repairs) by \$1,000.

ADOPTED	AYES	5	Burke, Gianzero, Haviland, Levine, Queenan
	NOES	0	

Motion was then offered by Councilwoman Gianzero, seconded by Supervisor Burke, to approve a modification to the budget of the Town Board by decreasing A1010.400 (Town Board Contingency Expense) by \$152 and increasing A1010.401 (Workplace Violence Prevention) by \$152.

ADOPTED	AYES	5	Burke, Gianzero, Haviland, Levine, Queenan
	NOES	0	

d. Appointment of Court Attendant:

Motion was offered by Supervisor Burke, seconded by Councilman Levine, to approve the appointment of John Beyar as a part-time court attendant (Grade XIII A, Step 1A) at a rate of \$18.42 per hour effective October 7, 2008.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Queenan
 NOES 0

e. Change Start-Time of Budget Worksession:

Motion was offered by Councilman Haviland, seconded by Councilman Levine, to change the start time of the October 20 budget worksession from 7:30PM to 5:30PM.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Queenan
 NOES 0

f. Schedule Additional Budget Worksession (if needed):

Motion was offered by Supervisor Burke, seconded by Councilman Queenan, to schedule a budget worksession to be held on October 27, 2008 at 7:30PM at Town Hall. This session will only be held if needed.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Queenan
 NOES 0

g. Signing of Tax Collector Bond:

Motion was offered by Councilman Levine, seconded by Councilman Haviland, to authorize all members of the Town Board present to sign the bond for the Tax Collector and Deputy Tax Collector to collect the Town/County tax levy in 2009, as required by the County.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Queenan
 NOES 0

II. Old Business

a. Acceptance of Bids – Refuse Collection:

Clerk Potvin noted the bids were read at the October 2, 2008 meeting and action is required by the Board to award or reject the bids. Therefore, a motion was offered by Supervisor Burke, seconded by Councilman Haviland, to award the 2009 Refuse Collection bid to Interstate Waste Services in the amount of \$971,942.00.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Queenan
 NOES 0

Councilman Queenan stated he is disappointed in the bid results and that the Town is forced to move away from automated pick-up. He believes it produced a better quality of life and was cleaner for the Town. However, the Board has to be fiscally responsible and award the lowest bid that meets the specifications. He urged all carting companies to upgrade to automation.

b. Discussion – Woodbury Common Sub-Station Space Request:

Supervisor Burke stated a letter was received from the owners of Woodbury Common committing to increasing their contribution (through the BID) to pay for a full police car (\$32,000 in 2009 and not more than a 5% annual increase as long as the BID continues to operate). Councilman Queenan stated he has concerns about the wording "continues to operate". He feels that if the contribution stops, the space should be given back to the Town. Attorney Liberth reminded the Board that the Planning Board resolution requires the Woodbury Common to allocate space for the Town for the use of a sub-station but does not indicate the size that it must be. Additionally, the BID would only cease to exist if the Woodbury Common were to go out of business. Councilman Queenan stated he still does not feel that the residents are fully protected by this arrangement. Chief Kwiatkowski stated the

agreement also provides for the Woodbury Common to donate to the Town \$12,000 to be used to purchase the needed computer equipment for the offsite server that will be stored at the sub-station. He added the check will be given to the Town this evening if the arrangement is agreed upon. He also assured the Board that the reduced space will still adequately meet the needs of his department. A motion was then offered by Councilman Haviland, seconded by Councilman Levine, to enter into a verbal agreement with the Woodbury Common to exchange a portion of the designated Police sub-station at Woodbury Common for the following:

1. Woodbury Common will pay for all construction costs to convert the Police sub-station into a space acceptable by the Police Department
2. Woodbury Common will donate \$12,000 to the Town for the purchase of the necessary computer equipment to establish an off-site server for all police data.
3. Woodbury Common, through the Business Improvement District (BID), will contribute annually the cost of a fully equipment police car (\$32,000 in 2009, escalating every year thereafter by no more than five percent annually).

ADOPTED AYES 4 Burke, Gianzero, Haviland, Levine
 NOES 1 Queenan

III. New Business

a. Schedule Public Hearing – 2009 Preliminary Budget:

Motion was offered by Supervisor Burke, seconded by Councilwoman Gianzero, to schedule a public hearing for November 6, 2008 at 7:30PM at the Town Hall to entertain public comment on the 2009 Preliminary Budget.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Queenan
 NOES 0

IV. Department Reports:

a. Supervisor's Report:

Motion was offered by Councilwoman Gianzero, seconded by Councilman Levine, to approve the Supervisor's Report for September 2008 with receipts totaling \$495,581.35 and disbursements totaling \$950,663.20.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Queenan
 NOES 0

- b. Town Clerk's Report – September 2008
- c. False Alarm Report – August 2008
- d. Parks/Recreation Minutes – October 7, 2008
- e. Animal/Goose Control Report – September 2008
- f. Police/Communications Report – September 2008
- g. Beautification Commission Minutes – None Received
- h. Library Minutes – None Received
- i. Budget vs. Actual – September 2008

V. Public Hearings:

a. Special Districts:

Town Clerk Potvin stated the public notice announcing the public hearings on the assessment rolls for the special districts was printed in the *Times Herald Record* on October 4, 2008. She also explained that these hearings are for the public to correct the 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. The following comments were received:

William Mulvihill stated he has been classified in the incorrect sewer tax code for years and would like to know if it has been corrected. Assessor Breslin stated the correction was made.

With no further comments received, motion was offered by Councilman Levine, seconded by Councilman Haviland, to close the hearing on the Consolidated Sewer District assessment roll.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Queenan
 NOES 0

REFUSE DISTRICT:

The public hearing on the assessment roll for Refuse District was opened. There were no comments received. Therefore, a motion offered by Councilwoman Gianzero, seconded by Supervisor Burke, to close the hearing on the Refuse District assessment roll.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Queenan
 NOES 0

WATER DISTRICT #6 (Amdur Park):

The public hearing on the assessment roll for Water District #6 was opened. There were no comments received. Therefore, a motion was offered by Councilman Levine, seconded by Councilman Haviland, to close the hearing on the Water District #6 assessment roll.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Queenan
 NOES 0

SEWER DISTRICT #1 (Valley Forge):

The public hearing on the assessment roll for Sewer District #1 was opened. There were no comments received. Therefore, a motion was offered by Councilman Queenan, seconded by Supervisor Burke, to close the hearing on the Sewer District #1 assessment roll.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Queenan
 NOES 0

HIGHLAND LAKE ESTATES SEWER DISTRICT:

The public hearing on the assessment roll for Highland Lakes Estates Sewer District was opened. There were no comments received. Therefore, a motion was offered by Councilman Haviland, seconded by Councilman Levine, to close the hearing on the Highland Lake Estates Sewer District assessment roll.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Queenan
 NOES 0

Motion was then offered by Supervisor Burke, seconded by Councilman Queenan, to adopt the assessment rolls for the following special districts:

Consolidated Sewer District Water District #6
Sewer District #1 Refuse District
Highland Lake Estates Sewer District

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Queenan
 NOES 0

VI. Public Comments:

Chief Kwiatkowski reminded the Board and residents that the Halloween Curfew will be fully enforced on October 30 and 31.

William Mulvihill stated his property was coded incorrectly within the Consolidated Sewer District since 1992, causing him to pay a higher rate. He feels he is entitled to reimbursement. Attorney

Liberth stated he sent Mr Mulvihill a letter informing him that the Town is no longer the responsible entity to be contacted regarding this issue and suggested Mr Mulvihill appear before the Village Board.

Andrea Marino submitted a petition to the Board containing 52 signatures that read as follows: "We, the undersigned – homeowners from Rainbow/Sunset, down and throughout Olympus and Jupiter on up to Reigel Place – demand the same rights as everyone else in the 'Skyline Area' – that of 'properly' paved roads where we reside. Wrongly 'singled out' for 'tarring and chipping', we vehemently disagree that said roads 'do not warrant paving' because (1) they are not as 'bad' as upper Skyline [where Mr Stabile just happens to live], (2) are not 'hilly-enough' for risk of flooding, as are the upper roads, and (3) are not as traveled on as the upper roads. These are inaccurate assumptions – no matter what we are told the 'independent company' has declared. We expect this problem – at the very least – to be resolved in the spring of 2009 when the town has (our) money to make the proper correction". She stated the tar/chip causes dangerous conditions and is not cost effective. Supervisor Burke stated he has inspected the roads in Skyline and believes the Board made the correct financial decisions based on the six-year road analysis that was conducted. Mrs Marino stated it would have been better if the roads were left untouched then what was done.

Amy Pascal agreed that the roads in Skyline that only received tar/chip are dangerous. Supervisor Burke stated the conditions will be monitored carefully. He asked Superintendent Stabile to erect signs on the streets notifying motorists of the loose stone.

Kathleen Bachorik stated the speed limit in Skyline is not being followed. Chief Kwiatkowski stated speeding is an issue throughout the entire Town, but patrols have been established to try to correct the situation. Mrs Bachorik then stated there are dog owners from Birchwood Drive that are not "curbing" their dogs. Chief Kwiatkowski stated the Animal Control Officer should be contacted and Mrs Bachorik can sign a complaint against the violators. He will speak to the Animal Control Officer about the issue.

Frank Palermo asked how often garbage pick-up will occur with the new carter. Supervisor Burke stated pick-up days will remain the same as they have been.

Sandra Roding raised some issues the residents of the Highland Lake Estates Sewer District are experiencing with the construction of the Woodbury Junction development. Attorney Liberth informed Mrs Roding that the Town Board has no jurisdiction over this issue and her comments should be addressed to the Village Board.

8:50PM – Closed Session:

The Town Board entered into a closed session with Attorney Liberth to seek legal advice.

VII. Adjournment:

With no further business to discuss or comments received, a motion was offered by Supervisor Burke, seconded by Councilman Levine, to adjourn the meeting at 9:35PM.

ADOPTED	AYES	5	Burke, Gianzero, Haviland, Levine, Queenan
	NOES	0	

Desiree Potvin, Town Clerk