

Minutes of the Town Board Meeting held at Town Hall, 511 Route 32, Highland Mills, New York on May 21, 2009 at 7:30PM

Present: John Burke, Supervisor  
Amidee Haviland and Carlton Levine, Councilmen  
Absent: Geraldine Gianzero, Councilwoman  
Also Present: Richard Liberth, Attorney for the Town; Dennis Lindsay and Sean Hoffman, Engineers for the Town; Peter Stabile, Highway Superintendent; Robert Kwiatkowski, Police Chief; Arthur Abbott, Police Lieutenant; Fred Ungerer and W Duncan Kane, Parks Commissioners; Timothy Egan, Village Trustee; Maria Hunter, Village Planning Board; Sandra Capriglione, Village Zoning Board

**I. Presentations:**

a. Police Recognition Awards:

Awards were presented to the following officers for the following achievements:

Erik M Johnson	Honorable Service Duty Award
Brian L Rudden	Honorable Service Duty Award
Scott A Sheehan	Honorable Service Duty Award
William H Burbage	Honorable Service Duty Award
Lawrence Menkens	Honorable Service Duty Award
Christopher Caruso	Lifesaving Award
James Reilly	Civilian Recognition Award
Patrick Mulvihill	Civilian Recognition Award

b. Spectrum Project – Autism Awareness:

April is Autism Awareness month and present at the meeting this evening was a group called the “Spectrum Project” that is trying to create a school in Orange County for children afflicted with autism. The spokesperson, Charles Entress, educated the Board about autism and what his committee is trying to accomplish. A motion was then offered by Supervisor Burke, seconded by Councilman Levine, to adopt the following resolution:

**WHEREAS**, April has been designated as National Autism Awareness Month, which has been celebrated by the Autism Society of America (ASA), since the 1970s to highlight the growing need for concern and awareness about autism; and

**WHEREAS**, many children with autism are forced to commute long distances to attain education designed to meet the growing needs of students with developmental disabilities.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Board of the Town of Woodbury does hereby recognize the efforts of the Spectrum Project, which aims to provide a special school for children in Orange County so that children with autism can become independent, productive members of the community.

**ADOPTED**    AYES    3            Burke, Haviland, Levine  
                  NOES    0

c. Central Valley Pond Improvements:

Reports were submitted by Andrew Fetherston from Maser Consulting and Town Engineer Lindsay regarding the plans for the Phase III Improvements to the CV Pool. Engineer Lindsay gave a presentation explaining, in detail, the proposed improvements that will be conducted to the CV

Pool, noting that some recommendations made from Maser Consulting have been incorporated into the plans. At the conclusion of this presentation, Supervisor Burke opened the discussion to the public for questions. The reports that were prepared by Maser Consulting and Riddick Associates are printed on pages #238 - #244 of this minute book.

## **II. Public Hearing:**

### **a. Peddling and Soliciting:**

A public hearing was held to entertain public comment on Introductory Local Law 2 of 2009 to amend Chapter 234 of the Code of the Town of Woodbury entitled "Peddling and Soliciting" to provide for a "no solicitation" program maintained by the Town Clerk's Office. The public notice was printed in the Times Herald Record on May 12, 2009 and the following comments were received:

Clerk Potvin explained the purpose of this law was to create a "no-solicitation" program which residents could enroll in that would prohibit individuals with a peddling license from knocking on their door. It was noted that this list would not include political or religious organizations.

With no further comments received, a motion was offered by Supervisor Burke, seconded by Councilman Levine, to close the public hearing.

**ADOPTED**      AYES    3            Burke, Haviland, Levine  
                     NOES    0

Motion was then offered by Supervisor Burke, seconded by Councilman Haviland, to adopt the following Local Law 2 of 2009 amending Chapter 234 of the Town Code:

SECTION 1.      Section 234-9(A) is amended by adding the following:

(11)      Not enter upon any residential premises when the owner of such premises has enrolled in the "No-Solicitation" program maintained by the Town Clerk. A copy of a list of these premises will be given to the applicant at the time the license is issued.

SECTION 2.      Savings Clause.

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 3.      Effective Date.

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

#### **ADOPTED BY ROLL CALL AS FOLLOWS:**

Supervisor Burke	AYES
Councilwoman Gianzero	ABSENT
Councilman Haviland	AYES
Councilman Levine	AYES
Vacant Board Seat	

## **III. Administrative Business:**

### **a. Acceptance of Minutes:**

Motion was offered by Supervisor Burke, seconded by Councilman Haviland, to accept the minutes of the regular meeting held May 7, 2009.

**ADOPTED**      AYES    3            Burke, Haviland, Levine

NOES 0

Motion was then offered by Councilman Levine, seconded by Councilman Haviland, to accept the minutes of the worksession held May 18, 2009.

**ADOPTED** AYES 3 Burke, Haviland, Levine  
NOES 0

b. Approval of Abstract(s):

Motion was offered by Supervisor Burke, seconded by Councilman Levine, to approve Revised Abstract 6 by voiding Voucher #20090551 (check #18842) which reduces the total abstract by \$289.20 to \$247,684.03.

**ADOPTED** AYES 3 Burke, Haviland, Levine  
NOES 0

Motion was then offered by Councilman Haviland, seconded by Supervisor Burke, to approve Abstract 11, Vouchers #20091019 - #20091135, totaling \$248,176.68.

**ADOPTED** AYES 3 Burke, Haviland, Levine  
NOES 0

c. Waiver of Garage Sale License Fee:

Motion was offered by Councilman Levine, seconded by Supervisor Burke, to grant a waiver of the garage sale license fee for all individuals participating in the June 20 yard sale sponsored by the Highland Mills Methodist Church.

**ADOPTED** AYES 3 Burke, Haviland, Levine  
NOES 0

**IV. Old Business:**

EXTRA ITEM – Authorize Settlement:

Motion was offered by Supervisor Burke, seconded by Councilman Levine, to authorize Attorney Liberth the settle the tax certiorari for the Mandel Article 7 and Article 78 against the Town consisting of the following parcels: 213-1-77, 213-1-8.21, 213-1-86, 213-1-18.73, 213-1-66, 214-4-8, 213-1-77, 213-1-8.21, 213-1-86, 213-1-18.73, 213-1-66, 214-4-8.

**ADOPTED** AYES 3 Burke, Haviland, Levine  
NOES 0

**V. New Business:**

a. Proclamation – Eagle Scout Achievement:

Motion was offered by Councilman Levine, seconded by Councilman Haviland, to adopt the following proclamation recognizing the efforts of individuals receiving the rank of Eagle Scout:

**WHEREAS**, the rank of Eagle Scout is the pinnacle achievement in Boy Scouting. It is a rank that requires significant effort, dedication and service to one's home, troop and community.

**THEREFORE, BE IT RESOLVED** that the Town of Woodbury, at its meeting held May 21, 2009, recognizes and commends the outstanding achievement of Hugh Patrick Eisele; Benhamin V Fasano, III; Andrew Melucci; Dennis J O'Keefe, III; Eric Paul Reimer and Matthew Sweet.

**ADOPTED** AYES 3 Burke, Haviland, Levine  
NOES 0

EXTRA ITEM – Boy Scout Eagle Scout Project:

Correspondence was received from Timothy Grupp proposing a project that he would like to do in Victory Park. He would like to wash and repaint the gazebo floor, clean and fix the ceiling, replace a light fixture and missing stones in the gazebo's structure. The flagpole will be taken down so the paint could be scraped off and reapplied. The wall surrounding Victory Park would also have stones replaced and it would be washed, as well as the memorials cleaned with flowers planted around them. A small natural wood sign will be constructed indicating the name of the park, and when/why it was established. A motion was then offered by Councilman Levine, seconded by Councilman Haviland, to approve the project proposed by Timothy Grupp as indicated above for his Eagle Scout certification and the authorize Supervisor Burke to send a letter stating so.

**ADOPTED** AYES 3 Burke, Haviland, Levine  
NOES 0

b. Change Order – Hollis Street Sidewalk/Curb Improvements:

Motion was offered by Supervisor Burke, seconded by Councilman Levine, to authorize the Supervisor to sign Change Order 1 for the Hollis Street Sidewalk & Curb Improvements that would reduce the contract amount by \$1,225.49 due to following reasons: 1) pursuant to the request of Superintendent Stabile, and as needed for positive drainage, additional curb and sidewalk was demolished adjacent to the bridge resulting in an increase of \$1000; 2) the contractor installed one coat of sealing compound to protect the finished concrete surfaces from discoloration, oil and road salt resulting in an increase of \$2878.40; 3) the width of concrete curb was increased from six to eight inches while the thickness of the concrete sidewalk was revised to the Town standard of four inches resulting in a decrease of \$451.83; 4) replacement of an existing outmoded flat catch basin grate with a curb compatible casting resulting in an increase of \$1700; 5) actual field conditions required slightly different quantities than those estimated prior to beginning work resulting in a decrease of \$6352.06.

**ADOPTED** AYES 3 Burke, Haviland, Levine  
NOES 0

c. Change in Banking Institution:

Motion was offered by Councilman Levine, seconded Councilman Haviland, to change the official bank of the Town to Provident Municipal Bank effective July 1, 2009.

**ADOPTED** AYES 3 Burke, Haviland, Levine  
NOES 0

Motion was then offered Councilman Haviland, seconded by Councilman Levine, authorizing the Supervisor to execute the Third Party Custody Agreement with M&T Investment Group (for purposes of collateralization) and any necessary documents consistent with the Agreement.

**ADOPTED** AYES 3 Burke, Haviland, Levine  
NOES 0

**VI. Department Reports:**

a. Supervisor's Report:

Motion was offered by Councilman Levine, seconded by Councilman Haviland, to approve the April 2009 Supervisor's Report with receipts totaling \$188,846.93 and disbursements totaling \$951,968.50.

**ADOPTED** AYES 3 Burke, Haviland, Levine  
NOES 0

b. Town Clerk's Report – April 2009

- c. False Alarm Report – March 2009
- d. Parks/Recreation Minutes – May 6 and 20, 2009
- e. Animal/Goose Control Report – April 2009
- f. Police/Communications Report – April 2009
- g. Beautification Commission Minutes – None Received
- h. Library Minutes – None Received
- i. Budget vs. Actual – December 2008; April 2009

**VII. Public Comment:**

Chief Kwiatkowski reminded the public that this weekend a number of events are scheduled that could delay motorists due to traffic. They are: the Senior Prom on Friday evening, West Point Graduation on Saturday and the Memorial Day Parade on Sunday. Additionally, Memorial weekend has always had an increase in the volume of shoppers at Woodbury Common.

**VIII. Adjournment:**

With no further comments received or business to discuss, a motion was offered by Councilman Haviland, seconded by Councilman Levine, to adjourn the meeting at 9:05PM.

**ADOPTED**      AYES    3            Burke, Haviland, Levine  
                     NOES    0