

Minutes of the Town Board Worksession held at Town Hall on August 16, 2010 at 7:30PM

Present: John Burke, Supervisor
Amidee Haviland, Frank Palermo and James Skoufis, Councilmen
Absent: Carlton Levine, Councilman
Also Present: Richard Liberth, Attorney for the Town; Robert Kwiatkowski, Police Chief; Maria Hunter, Village Planning Board

1. Discussion – Dog Licensing:

Supervisor Burke explained that NYS has discontinued its role in the licensing of dogs and now requires each municipality to assume total responsibility for it. A local law has been drafted by Clerk Potvin for the Board to consider that amends Chapter 85 of the Town Code and details the licensing procedures. Councilman Haviland asked why this law amends Chapter 85 and not Chapter 143. Clerk Potvin noted that Chapter 143 pertains solely with fees charged whereas Chapter 85 pertains to animals. Councilman Palermo asked why cats are not included in this law, as past discussions indicated that it would be. Supervisor Burke stated he agrees that cats should be discussed, and will schedule it for the August 30 worksession, but this dog licensing law is a requirement by the State and must be finalized prior to January 1, 2011. Clerk Potvin stated she has contacted her software provider regarding obtaining a module for the licensing of cats but they do not have one. She noted, again, that cats are considered feral animals by the State and are not licensed by any Town. Councilman Palermo stated the Village of Warwick is licensing cats and asked how they are doing so and Councilman Skoufis stated it could probably be done by a spreadsheet. Councilman Haviland stated he agrees that cats should be included so that laws are not being rewritten. Councilman Palermo stated there should at least be a law that addresses the residents that are feeding stray cats but not assuming responsibility for them. Clerk Potvin cautioned the Board about adopting another law that will not be enforced and Councilman Palermo stated the law would be enforced.

2. Discussion – Annexation Petition:

Supervisor Burke stated the Village of Woodbury and the Town of Monroe were served a petition from Zigmund Brach to “annex certain lands situated in the Village of Woodbury into the Town of Monroe, pursuant to General Municipal Law Article 17”. On August 10, the Town Board received a “Notice Concerning Lead Agency” from the Village of Woodbury Board of Trustees which states their intention to be lead agency in this issue under SEQRA. Councilman Haviland stated he had no qualms with the Village Board being lead agency on this issue. Councilman Palermo stated this issue should not be discussed since the Town Board is filing a petition to have the annexation petition dismissed due to its ambiguity and that the Town was not served. Councilman Haviland stated he was under the impression, based on discussions held during an executive session, the Town Board wanted to be included in the process. Councilman Palermo stated the Town cannot join in the process since they were not named in the petition. Attorney Liberth stated there is nothing in the law that addresses an issue such as this. He stated the Town Board can attend and present evidence at the scheduled public hearing of the Village of Woodbury and Town of Monroe but would not have a vote on the issue. Councilman Haviland stated the public notice that was printed by the Village of Woodbury indicated that the Town of Woodbury would be participating in the hearing. Clerk Potvin clarified that at the time the notice was sent to be published no decision was made by the Town of Woodbury and the timeframe dictated by law had to be followed by the Village Clerk. Councilman Palermo stated the petition should have named the Town and it did not. He feels that the petition that will be filed this week by Attorney Liberth “for a judgment pursuant to Article 78 of the CPLR in the nature of a writ of prohibition and for declaratory relief pursuant to CPLR Section 3001” will cause the annexation petition to be voided and the applicant would need to start the process over and file it correctly. He added that he feels that

Town Board, not the Village Board, should be lead agency on this issue. Councilman Skoufis asked what being lead agency would entail and Attorney Liberth stated it would require the municipality to follow all requirements of SEQRA. Supervisor Burke stated he will be signing the petition this evening and Attorney Liberth will file it this week. Until a decision is rendered by the judge assigned, there is no further action required by the Town Board at this time.

8:15PM - Executive Session:

Motion was offered by Supervisor Burke, seconded by Councilman Skoufis, to enter into an executive session pursuant to Article 7 of the Public Officers Law to discuss two item relating to contractual negotiations (refuse collection and cable franchise).

ADOPTED AYES 4 Burke, Haviland, Palermo, Skoufis
 NOES 0

There were no minutes of the executive session recorded. Councilman Skoufis left the meeting during executive session.

Adjournment:

With no further business to discuss, a motion was offered by Supervisor Burke, seconded by Councilman Palermo, to end the executive session and to adjourn the meeting at 9:15PM.

ADOPTED AYES 3 Burke, Haviland, Palermo
 NOES 0



Desiree Potvin, Town Clerk

A closed session with Attorney Liberth was held after adjournment.