

Minutes of the Town Board Meeting held at Town Hall on July 1, 2010 at 7:30PM

Present: John Burke, Supervisor  
Amidee Haviland, Carlton Levine, Frank Palermo and James Skoufis, Councilmen  
Absent: None  
Also Present: Robert Kwiatkowski, Police Chief; Michael Queenan, Village Mayor; Neil Crouse and Timothy Egan, Village Trustees; Maria Hunter and Lorraine McNeill, Village Planning Board; Sandra Capriglione, Village Zoning Board; William McClennan, Village Water/Sewer Superintendent

**I. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Councilman Skoufis, seconded by Councilman Levine, to accept the minutes of the regular meeting held June 17, 2010.

**ADOPTED** AYES 5 Burke, Haviland, Levine, Palermo, Skoufis  
NOES 0

Motion was offered by Supervisor Burke, seconded by Councilman Skoufis, to accept the minutes of the worksession held June 28, 2010.

**ADOPTED** AYES 5 Burke, Haviland, Levine, Palermo, Skoufis  
NOES 0

b. Approval of Abstract:

Motion was offered by Councilman Haviland, seconded by Councilman Levine, to approve Abstract 14, Vouchers #20101206 - #20101310, totaling \$226,734.06.

**ADOPTED** AYES 5 Burke, Haviland, Levine, Palermo, Skoufis  
NOES 0

c. Budget Modification(s):

Motion was offered by Councilman Levine, seconded by Councilman Palermo, to approve a modification to the budget of the Highway Department by decreasing DB5142.466 (Salt/Liquid Calcium) by \$7000 and increasing DB5110.469 (Drainage Pipe) by \$7000.

**ADOPTED** AYES 5 Burke, Haviland, Levine, Palermo, Skoufis  
NOES 0

Motion was then offered by Councilman Palermo, seconded by Supervisor Burke, to approve a modification to the budget of the Senior Center by decreasing A511 (Appropriated Reserves) by \$1521 and increasing A7620.200 (Equipment/Furniture) by \$1521.

**ADOPTED** AYES 5 Burke, Haviland, Levine, Palermo, Skoufis  
NOES 0

**II. Old Business:**

a. Resolutions – Consolidation of Government:

Motion was offered by Councilman Skoufis, seconded by Councilman Levine, to adopt the following resolution requesting that legislation be prepared to consolidate the Village of Woodbury with the Town of Woodbury as follows:

**WHEREAS**, the Village of Woodbury was created with boundaries almost entirely co-terminus with the Town of Woodbury, and

**WHEREAS**, the Village and Town of Woodbury governments are desirous of consolidating their governmental entities for the purpose of becoming more efficient and economical in the provision of services to their almost entirely identical residents by (i) the elimination of duplicate services, (ii) the

utilization of special districts to provide for water, sewer and other municipal services not presently permitted under Village Law to be administered by the Village, and (iii) the restriction that no new Villages may be incorporated within its municipal boundaries, ensuring the efficient and economical provision of governmental services by a singular governmental entity into the future, and

**WHEREAS**, the New N.Y. Government Reorganization and Citizen Empowerment Act (Article 17-A of N.Y. General Municipal Law) recently enacted by the State Legislature does not permit such a mixed form of government to be eligible for consolidation, thereby providing for the necessity of this Municipal Home Rule Request to accomplish its desired goal of consolidation, which consolidation relates to the property, affairs and government of the Village of Woodbury, and

**WHEREAS**, it is the intention of the Village of Woodbury and the Town of Woodbury that they be consolidated as one local government entity with the understanding that the initial surviving governance will be by the then-existing Town Board and Town Supervisor of the Town of Woodbury.

**NOW, THEREFORE, BE IT**

**RESOLVED** that, upon the initiation of this Resolution by the Supervisor, the Town Board hereby authorizes the submission of a Municipal Home Rule Request to the New York State Legislature, and empowers the Town Clerk to submit all necessary documents to accomplish that end, in such form as is in conformance with the rules promulgated by, and otherwise acceptable to, the Senate and Assembly of the New York State Legislature, to request an amendment to Article 17-A of the N.Y. General Municipal Law as follows:

**AN ACT, PURSUANT TO SECTION 40 OF THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, TO AMEND ARTICLE 17-A OF THE N.Y. GENERAL MUNICIPAL LAW TO ALLOW FOR THE CONSOLIDATION OF THE VILLAGE AND TOWN OF WOODBURY, NEW YORK, UPON CERTAIN CONDITIONS.**

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. That upon a request from the Village and Town of Woodbury pursuant to Section 40 of the Municipal Home Rule Law of the State of New York, it is desirous to amend Article 17-A of the N.Y. General Municipal Law.

Section 2. Legislative Intent. It was and is the intent of the New N.Y. Government Reorganization and Citizen Empowerment Act to provide opportunities for local governments and electors to adopt consolidated forms of local governments, and this amendment provides that opportunity to the Village and Town of Woodbury upon certain terms.

Section 3. Article 17-A of N.Y. General Municipal Law is hereby amended by adding a new Section 794 as follows:

Notwithstanding any other provision of this Article, or Article 2 of the N.Y. Village Law, the Village and Town of Woodbury, New York, may form a consolidated local government entity by a joint consolidation agreement in accordance with the provisions of this Article 17-A, except that the new governmental entity to survive shall be the Town (including the existing portion of the incorporated Village of Harriman presently within the boundaries of the Town of Woodbury) that shall have all of the powers, duties and obligations of a governmental entity under Town Law, but shall not be eligible for the formation of any additional Villages within its limits. The new governmental entity to survive shall be governed initially by the then-existing Town of Woodbury Supervisor and the Town of Woodbury Town Board members.

Section 4. Savings Clause. If any portion, clause, sentence, paragraph, section, word, or part of this Municipal Home Rule Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the portion, clause, sentence, paragraph, word, section or part thereof

directly in the controversy in which such judgment shall have been rendered. The Town and Village respectively reserve the right, upon a joint resolution and compliance with State law, to revert to their previous status in the event any subsequent change to this Home Rule Law, as a result of any judgment, renders it ineffective as to its legislative intent.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Supervisor Burke	AYES
Councilman Haviland	AYES
Councilman Levine	AYES
Councilman Palermo	AYES
Councilman Skoufis	AYES

Supervisor Burke stated this issue has been addressed in various forms by different organizations. He has been watching administrative boards operating for more than 30 years and the CEO does not vote only Board members do. The CEO's job is to provide the information to the Board members so they can make an educated decision. As Supervisor, he feels it is his job to investigate, research and encourage the Board members to do their own research, including speaking to the consultants and employees if needed. He believes they must make an informed decision. He stressed this is his style and he will not force anything on the Board or ask them their voting intentions. He recognizes that others have concerns, issues or agendas but he will not change how he handles issues. When he provides the information to the Board, he tries not to slant it and just "tell it as it is". He believes the Board needs to make the most informed decision as possible, no matter how long that may take. He feels it is important for due diligence to be followed, noting that the "devil is in the details". He agrees that government should be run more efficiently and effectively, noting that most do not realize the costs to taxpayers this consolidation will be, acknowledging there will be savings but not initially. He believes there are two issues of importance in this endeavor, the first being that no village will be able to be created within this new entity to be formed. The second is that the public, at some point, will have the opportunity to provide input on the issue. He then thanked the Town Board for doing their due diligence on this issue.

Motion was then offered by Councilman Skoufis, seconded by Councilman Levine, to adopt the following resolution urging the State Assembly and Senate to adopt legislation as follows:

**RESOLUTION REQUESTING THE ENACTMENT OF NEW YORK STATE ASSEMBLY BILL #A10007-A AND NEW YORK STATE SENATE BILL #S7102-A WHICH CONSOLIDATES THE VILLAGE OF WOODBURY AND THE TOWN OF WOODBURY TO CREATE THE TOWN OF WOODBURY, LEAVING THE INCORPORATED VILLAGE OF HARRIMAN INTACT BUT PROHIBITING ANY NEW VILLAGES FROM BEING FORMED WITHIN THE TOWN LIMITS.**

WHEREAS, the Town of Woodbury, Orange County, New York, has made a request for the enactment of certain "Home Rule" Legislation by the New York State Legislature authorizing the consolidation of the Town and Village of Woodbury to create the Town of Woodbury, leaving the incorporated Village of Harriman intact but prohibiting any new villages from being formed within the town limits; and

WHEREAS, pursuant to that "Home Rule" request, there has been introduced in the New York Assembly Bill #A10007-A and New York Senate Bill #S7102-A; and

WHEREAS, the Town Board of the Town of Woodbury wishes to express its support for the passage of Assembly Bill #A10007-A and New York Senate Bill #S7102-A and to authorize the transmittal of such support to both houses of the New York State Legislature.

NOW, THEREFORE, IT IS

RESOLVED, that the Town Board of the Town of Woodbury requests the enactment of New York State Assembly Bill #A10007-A and New York Senate Bill #S7102-A authorizing the consolidation of the Town and Village of Woodbury to create the Town of Woodbury, leaving the incorporated Village of Harriman intact but prohibiting any new villages from being formed within the town limits; and be it

FURTHER RESOLVED, that the Town Board authorizes the Town Clerk to transmit this resolution together with any other necessary documentation to both houses of the New York State Legislature forthwith.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Supervisor Burke	AYES
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Councilman Haviland	AYES
Councilman Levine	AYES
Councilman Palermo	AYES
Councilman Skoufis	AYES

b. Resolution – Hotel/Motel Tax:

Motion was offered by Councilman Haviland, seconded by Councilman Palermo, to adopt the following resolution urging the State Assembly and Senate to adopt legislation as follows:

**RESOLUTION REQUESTING THE ENACTMENT OF NEW YORK STATE ASSEMBLY BILL #A.1793A AND NEW YORK STATE SENATE BILL #S.8354 AUTHORIZING THE TOWN OF WOODBURY TO IMPOSE A HOTEL AND MOTEL TAX IN THE TOWN OF WOODBURY.**

**WHEREAS**, the Town of Woodbury, Orange County, New York, has made a request for the enactment of certain "Home Rule" Legislation by the New York State Legislature authorizing the imposition of a hotel and motel tax in the Town of Woodbury; and

**WHEREAS**, pursuant to that "Home Rule" request there has been introduced in the New York State Assembly Bill #A.1793A and New York State Senate Bill #S.8354, which Bills authorize the imposition of a hotel and motel tax in the Town of Woodbury; and

**WHEREAS**, the Town Board of the Town of Woodbury wishes to express its support for the passage of Assembly Bill #A.1793A and Senate Bill #S.8354 and to authorize the transmittal of such support to both houses of the New York State Legislature.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Woodbury requests the enactment of New York State Assembly Bill #A.1793A and New York State Senate Bill #S.8354 authorizing the imposition of a hotel and motel tax in the Town of Woodbury; and be it

**FURTHER RESOLVED**, that the Town Board authorizes the Town Clerk to transmit this resolution together with any other necessary documentation to both houses of the New York State Legislature forthwith.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Supervisor Burke	AYES
Councilman Haviland	AYES
Councilman Levine	AYES
Councilman Palermo	AYES
Councilman Skoufis	AYES

It was noted that one primary amendment made to this proposed legislation is that after three years it will expire and be deemed repealed. It was also noted that the legislation finally received a co-sponsored Senate bill.

c. Authorize Supervisor to Sign – Dial-A-Bus Agreement:

Motion was offered by Councilman Haviland, seconded by Councilman Palermo, to authorize the Supervisor to sign an inter-municipal agreement with the Town of Monroe to renew Dial-A-Bus services until December 31, 2010.

**ADOPTED**    AYES    5        Burke, Haviland, Levine, Palermo, Skoufis  
                   NOES    0

Councilman Haviland noted that he believes it is “frowned upon” paying money to an individual not directly involved in the contracts negotiations (pointing out Section 6 of the agreement). He feels that this Section should be addressed when it is time to renew the agreement in December. Councilman Levine asked if use has increased and Supervisor Burke stated that it has slightly but enough for the Town of Monroe to permit renewing the agreement. He noted that two advertisements were published

in the newspaper and that the usefulness of the endeavor will be reevaluated at the end of this agreements term.

### **III. New Business**

There was no new business to discuss.

### **IV. Public Comment:**

Councilman Levine reminded everyone that the Woodbury Firecracker Festival will be held on July 3. He also stated that his family had a great time at the CV Pond this past Saturday and he thanked all the employees involved for making sure the park was open on time.

Councilman Palermo stated that Councilman Haviland and he have been working with Cablevision to renegotiate the franchise agreement. One of the items that have been requested, and is now in effect, is that there is WiFi service available at Earl Reservoir for all Cablevision customers. They are trying to have it at the CV Pond as well but there is a concern with regards the close proximity to the schools. Regarding the consolidation efforts, he is in favor of it but has concerns about the “unknown” future. He feels it is the right thing to do because people do not want the Village. He is bothered by the costs to the Town and would like to see representatives from both Boards to work out a solution. He would like to be more prepared the next time if the Legislature does not approve this legislation this year. He feels that if a plan is required, it should be sent with the legislation request to show how serious we are. He also feels that the plan should be realistic and based on real data, unlike the information that was supplied to the public by the group that petitioned the creation of the Village in 2005/6.

Councilman Haviland agreed that the CV Pond looks wonderful and also thanked the employees that worked hours to accomplish this.

Ben Meyers thanked the Town Board for doing a fine job on the CV Pond. Regarding the comments made by Councilman Palermo about the group that petitioned the formation the Village, he believes that most residents voted for the Village to protect our community from annexation. He added that had the Village Board that was elected in 2006 followed the structured plan created by the petitioning group, then the tax impact would have been minimal as suggested. He believes that the Village Boards have been working for the community and that the consolidation is a good idea.

John Smith asked for data on the use of the Dial-A-Bus and Supervisor Burke stated he did not have it with him this evening but it was available for the public to review.

Geraldine Gianzero stated she believes that Councilman Palermo is correct regarding the misinformation that was distributed to the public at the time the village petition was submitted. She feels that many residents are upset by that incorrect information and for being mislead. She agrees that consolidation is important but is concerned about why the Town Board will be governing entity and not an election held to determine who will represent the public. Supervisor Burke stated this item was negotiated and agreed upon by both Boards.

Jonathan Swiller noted that the Village of Harriman will still exist regardless of whichever entity emerges from the consolidation. He also agrees that vast amounts of misinformation was given to the public and that they were driven by fear on the question of the creation of the Village.

Trustee Crouse noted that since elected to office in 2006 he has declined a salary as Trustee. He agrees with the comments made by Councilman Palermo and Supervisor Burke. He feels there is a lot that needs to be done and the public will have many opportunities to participate in the process. Regarding the comments made by Mr. Meyers about the elected Village Board not following the plan proposed by the group that petitioned to formation of the Village, he noted that the Village Board did what was required by New York State Law. The law required the all special district that were wholly contained in the boundaries to cease to exist and become an operation of the Village (noting the Fire District and the Water/Sewer Districts). He added that the Village Boards have done all they could to keep the tax impacts minimal.

Mayor Queenan stated he does not believe that the Town Board was rushed or pressured to entertain the resolution regarding the consolidation. The resolution was first given to the Town Board in January. After five or six weeks, a response from the Town was given to the Village with only one substantial change - the Town Board would remain the governing body. The Village Board thought that a special election should be held to let the public decide on who would represent them but since there was no movement on the issue during negotiations, the Village Board consented. Almost six months have passed and he never called or harassed any Board member to make a decision on the issue. He added that he was always available to speak with any Board member to answer any questions they may have about the process and what will be required if approved by the State. He agreed there will be costs incurred to complete the transition. He noted that although 2000+ residents voted for the creation of the Village, there were 8000+ that did not. He added the easy way to dissolve the Village is to hold a referendum but this would not protect the community from other Villages being formed in the future. He feels that if the consolidation efforts fail, then the Village should become a true Village by assuming responsibility for all departments that should be theirs. He feels that six months was plenty of time for the Town Board to do their research and make an informed decision on this issue. If the State approves this, it will take several months before the consolidation is finalized. Regarding the Cablevision negotiations, he would like to see residents to be able to watch Channel 22 without having to pay for a converter box. Councilman Haviland stated that is being discussed. Councilman Palermo stated his comments were not intended to attack the Village Board or their efforts. He feels both Boards need to work together. He is concerned about how the merge will occur and affect the residents financially.

**V. Adjournment:**

With no further business to discuss or comments received, a motion was offered by Supervisor Burke, seconded by Councilman Palermo, to adjourn the meeting at 8:40PM.

**ADOPTED**      AYES    5            Burke, Haviland, Levine, Palermo, Skoufis  
                     NOES    0

Desiree Potvin, Town Clerk