

Minutes of the Town Board Meeting held at Town Hall on May 20, 2010 at 7:30PM

Present: John Burke, Supervisor
Amidee Haviland, Carlton Levine, Frank Palermo and James Skoufis
Absent: None
Also Present: Richard Liberth, Attorney for the Town; Robert Kwiatkowski, Police Chief; Maria Hunter, Village Planning Board

I. Public Hearing:

a. Fees for Animals:

A public hearing was held to entertain public comment on an amendment to the Chapter 85, Article IV, of the Town Code entitled "Animal" to provide for fees for all animals. The public notice was printed in the Times Herald Record on May 12, 2010 and the following comments were received:

Councilman Haviland said that he feels further review is needed. He believes that changing one or two items at this time will be confusing. He wants to review again and make all the changes at the same time. He also wants to see added 85-12 Findings; intent –After the last sentence ADD: "The term animal is to express all living creatures, whether they are fish, fowl, mammal, reptile, arachnid, insect or otherwise that can be positively identified as being owned by a resident in and around this community".

Ben Meyers wanted to know if this amendment will cost the Town more money. He also wanted to know why we can't change wording to just animal instead of animal/dog.

Councilman Palermo asked Chief Kwiatkowski how the Town charges when an animal is picked up. Chief Kwiatkowski said there is a set rate in the law and feels that one rate is sufficient regardless of what animal gets picked up. Councilman Palermo then asked Attorney Liberth when the fees last changed. Attorney Liberth believes that it has been at least eight years since fees were changed.

Supervisor Burke said in speaking to our animal control officer, she stated she feels one rate is good, not separate rates for separate animals.

Maria Hunter said Introductory Local Law 1 of 2010 should be approved now with summer months fast approaching and this is the time that more animals are on the loose. She also feels one rate is sufficient.

Councilman Levine agreed with Maria Hunter and asked that we do not discriminate against the types of animals that are picked up.

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

ADOPTED AYES 4 Burke, Levine, Palermo, Skoufis
 NOES 1 Haviland

Motion was then offered Supervisor Burke, seconded by Councilman Palermo, to adopt Local Law 1 of 2010 as follows:

A LOCAL LAW AMENDING CHAPTER 85, ARTICLE IV, OF THE CODE OF THE TOWN OF WOODBURY ENTITLED "IMPOUNDMENT AND BOARDING FEES" TO PROVIDE FOR FEES FOR ALL ANIMALS/DOGS.

BE IT ENACTED by the Town Board of the Town of Woodbury, Orange County, New York, as follows:

SECTION 1. §85-12. Findings; intent.

The Town Board, in cooperation with the Animal/Dog Control Officers, wishes to adopt reasonable impoundment fees to reflect the increase in maintaining the town's animal/dog shelter on Schunnemunk Road. The Animal/Dog Control Officers have made recommendations to the Town Board based upon their experience in impounding and boarding animals/dogs relating to the expenses that are incurred.

SECTION 2. §85-13. Fees.

The following are fees for impoundment and boarding of animals/dogs.

SECTION 3. §85-13(A)(1) Per animal/dog:

SECTION 4. §85-13(A)(2)

If the owner of any animal/dog has more than one animal/dog impounded, each animal/dog that is picked up shall be considered a second offense, and the owner shall be subject to paying the above-entitled fees for each of the animals/dogs.

SECTION 5. §85-13(B) Boarding fee, per animal/dog, shall be as follows:

SECTION 6. §85-13(B)(2)

After the first week, the boarding fee shall be \$50 per day for each day the animal/dog remains at the town's shelter.

SECTION 7. 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 8. 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	YES
Councilman Haviland	NO
Councilman Levine	YES
Councilman Palermo	YES
Councilman Skoufis	YES

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Palermo, seconded by Councilman Skoufis, to accept the minutes of the regular meeting held May 6, 2010.

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

Motion was then offered by Councilman Palermo, seconded by Councilman Skoufis, to accept the minutes of the worksession held May 17, 2010.

ADOPTED	AYES	4	Burke, Haviland, Palermo, Skoufis
	ABSTAIN	1	Levine

b. Approval of Abstract:

Motion was offered by Councilman Palermo, seconded by Supervisor Burke, to approve Abstract 11, Vouchers #20100885 - #20100994 (voiding voucher 20100985 – checks 2720 and 2726), totaling \$554,950.79.

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 General Fund by increasing A599 (Appropriated Fund Balance) by \$25,000 and increasing A9050.800 (Unemployment) by \$25,000.

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

Motion was then offered by Councilman Haviland, seconded by Councilman Levine to approve a modification to the budget of the Highway Fund by decreasing DB5142.466 (Salt/Liquid Calcium) by \$507 and increasing DB5110.471 (Medical Supplies) by \$507.

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

d. Removal of Members – Beautification Commission:

Motion was offered by Councilman Levine seconded by Supervisor Burke, to remove Kelly Kearney, Christopher Kearney and Christopher Scibelli from the Beautification Commission due to inactivity for over one-year.

ADOPTED AYES 4 Burke, Levine. Palermo, Skoufis
ABSTAIN 1 Haviland

e. Cancellation of Worksession – Memorial Day:

Motion was offered by Councilman Skoufis, seconded by Councilman Palermo, to cancel the worksession scheduled for May 31, 2010 due to the Memorial Day holiday observance.

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

EXTRA ITEM – Schedule Special Meeting:

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to schedule a special meeting to be held on May 24, 2010 at 7:30 PM at the Town Hall. The purpose of the special meeting is to meet with surrounding municipal leaders to discuss various issues affecting the southern portion of Orange County.

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

III. Old Business

There was no old business to discuss.

IV. New Business

a. Ratification of PBA Contract:

Supervisor Burke was pleased to announce that the PBA Contract negotiations were complete. Before asking for a motion, Supervisor Burke asked if anyone had any comments. Councilman Levine said he was pleased that they were able to get to this point. He believed the contract to be fair and equitable. Councilman Skoufis thanked Supervisor Burke and Councilman Levine for all their hard work. He also said that because of Councilman Levine’s experience, the Town was saved a lot of money. Councilman Haviland also thanked Supervisor Burke and Councilman Levine for their time and efforts in the negotiations. Councilman Haviland said he would like to see more changes made when the contract comes up for renewal at the end of 2012. Motion was then offered by Supervisor Burke, seconded by Councilman Palermo, to authorize the Supervisor to sign any and all documentation relating to the renewal of the PBA contract for the years of 2008- 2012.

ADOPTED AYES 4 Burke, Levine, Palermo, Skoufis
NOES 1 Haviland

V. Department Reports:

a. Supervisor’s Report:

Motion was offered by Councilman Palermo, seconded by Supervisor Burke, to approve the April 2010 Supervisor’s Report with receipts totaling \$418,150.15 and disbursements totaling \$1,195,814.32.

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

- b. Town Clerk’s Report – April 2010
- c. False Alarm Report – March 2010
- d. Parks/Recreation Minutes – May 5, 2010
- e. Animal/Goose Control Report – April 2010
- f. Police/Communications Report – April 2010
- g. Beautification Commission Minutes – May 10, 2010
- h. Library Minutes – March 30, 2010
- i. Budget vs. Actual – December 2009 and April 2010

VI. Public Comment:

Supervisor Burke said Spring Clean-Up Day was very successful. He went on to thank many people and commended Councilman Skoufis for his organization and efforts in getting this off the ground. Supervisor Burke also thanked the Beautification Commission for their year round dedication in keeping our town looking beautiful.

Chief Kwiatkowski thanked the Town Board for approving the contract and said that he believed it to be fair to all involved. He also mentioned that the Memorial Day Parade is Sunday, May 23rd and for all to keep in mind that the traffic will be interrupted for a period of time.

Maria Hunter also thanked everyone involved in making Spring Clean-up Day a success. Maria then directed her conversation at Councilman Haviland. Councilman Haviland feels there are flaws in the PBA Contract and Maria Hunter disagrees with that. She told Councilman Haviland that she is embarrassed that he is a member of our Town Board.

8:30 PM – Executive Session

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to enter into an executive session pursuant to Article 7 of the Public Officers Law to discuss one item relating to the contractual negotiations of an engineering firm for the Estrada Road bridge project.

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

There were no minutes of the executive session recorded.

VIII. Adjournment:

With no further business to discuss, a motion was offered by Supervisor Burke, seconded by Councilman Palermo, to adjourn the meeting after ending executive session at 10:25 PM.

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

Michele Zwicker, Deputy Town Clerk