

Minutes of the Town Board Meeting held at Town Hall on July 7, 2011 at 7:30PM

Present: John Burke, Supervisor  
Amidee Haviland, Carlton Levine, Frank Palermo and James Skoufis, Councilmen  
Absent: None  
Also Present: Richard Liberth, Attorney for the Town; Peter Stabile, Highway Superintendent; Joseph Gianzero, Parks Director; Robert Kwiatkowski, Police Chief; Robert Weyant, MEO; Maria Hunter, Village Planning Board

**I. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Councilman Haviland, seconded by Councilman Palermo, to accept the minutes of the regular meeting held June 16, 2011.

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

b. Approval of Abstract:

Motion was offered by Councilman Levine, seconded by Councilman Skoufis, to approve Abstract 14, Vouchers #20111401 - #20111558, totaling \$191,611.21.

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

c. Approval of Budget Modification(s):

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to approve a modification to the budget of the Highway Fund by increasing DB599 (Appropriated Fund Balance) by \$10,000 and increasing DB5120.403 (Estrada Road Bridge) by \$10,000.

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

Motion was then offered by Councilman Levine, seconded by Councilman Skoufis, to approve a modification to the budget of the Parks Department by decreasing A7110.431 (Summer Supplies) by \$350 and increasing A7110.416 (Uniforms/Clothing) by \$350.

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

Motion was then offered by Councilman Levine, seconded by Supervisor Burke, to approve a modification to the budget of the General Fund by increasing A511 (Appropriated Fund Balance) by \$7,755, decreasing A1620.444 (Schools & Dues) by \$650, A1620.465 (Blacktopping) by \$675, A1620.493 (Historical Library) by \$500, A1620.494 (Coffee Cemetery Maintenance) by \$400 and increasing A1620.421 (CV Pool Maintenance/Repair) by \$9,980.

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

Motion was then offered by Councilman Skoufis, seconded by Supervisor Burke, to approve a modification to the budget of the Board of Assessment Review by decreasing A1355.466 (Computer) by \$400 and increasing A1470.400 (BOAR) by \$400.

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

Motion was then offered by Councilman Levine, seconded by Councilman Haviland, to approve a modification to the budget of the Library by increasing L2705 (Gifts & Donations) by \$9,440, L599

(Appropriated Fund Balance) by \$3,548 and increasing L7410.466 (Expenditure of Donations) by \$9,440, L7410.420 (Fund Balance Expenditures) by \$3,548.

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

Motion was then offered by Supervisor Burke, seconded by Councilman Palermo, to approve a modification to the budget of the Highway Department by increasing DB599 (Appropriated Fund Balance) by \$20,000, increasing DB9950.900 (Transfer to Capital Projects) by \$20,000; increasing HWC5301 (Inter-fund Transfer) by \$20,000, increasing HWC8745.400 (Flood & Erosion Control) by \$20,000.

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

## **II. Old Business:**

### a. Discussion – Park Avenue Improvements:

Supervisor Burke stated we are still waiting for FEMA to approve the additional funding needed for this project. Major efforts have been made by Superintendent Stabile and others to get the decision as quickly as possible. After a decision is made, the next step is to secure the hold harmless forms from the property owners along the creek. He noted that Superintendent Stabile has been in constant contact with Congresswoman Nan Hayworth's Office and has meet with her twice to discuss the issue. The portion of the project directly in the creek must be finished by October 1. Councilman Skoufis asked if we have been given any sense of how long it will take to get an answer and Superintendent Stabile stated it should be rendered within the next few days. FEMA and SEMO have approved the project and we are just waiting for the funding decision by Washington. Councilman Skoufis asked how long would the work actually take and Superintendent Stabile stated if approval is received within the next week, the work in the creek bed will be finished with one week to spare, sidewalks can be continued after the October 1 date. Supervisor Burke noted that a bid opening was held but we are waiting on the funding prior to awarding the contract. The engineer will be asking the low bidder if they will hold their bid past the 45 day period. If he declines, the project may need to be rebid. Councilman Skoufis suggested that an emergency Board meeting be held to accept the bids if needed. Councilman Palermo asked if our two US Senators have been contacted for assistance with funding and Superintendent Stabile stated he would contact their offices tomorrow to see if they can assist.

### b. Update – Lawsuits against County:

Appeal – Article 78 against County regarding Sewer Capacity AFEIS – Last year an Article 78 was filed challenging two County actions relating to the sufficiency of sewer capacity to serve OCSD#1 and the Moodna Communities. The first issue was the County's AFEIS and the second was the County's commitment to expand the HWWTP if usage reached 85% of capacity. Instead of answering the petition, the County moved to dismiss it on a number of grounds and on April 27, 2011, Judge Nicolai denied the County's motion to dismiss. The County must now submit its answer by July 6, after which our attorneys will have time to reply. The County has filed an appeal of Judge Nicolai's decision of the motion to dismiss. Based on this, our attorneys have the opportunity to make a motion to the appellate court to dismiss the appeal as premature and unauthorized. The motion would be based only on the procedural inappropriateness of the County's premature appeal.

Appeal – Extension of OCSD#1 to Camp LaGuardia (Montco) – Last year an Article 78 was filed challenging the County's extension of OCSD#1 to Camp LaGuardia (Montco), as a violation of SEQRA. At that time, the Town of Blooming Grove filed a separate petition challenging the OCSD#1 extension based on several theories including our charge that the County was not authorized to undertake its own SEQRA review when the host municipalities were already mandating an EIS. Judge Nicolai granted

Blooming Grove's petition and nullified the OCSD#1 extension, based on these SEQRA arguments. He then denied our petition as moot because he had already invalidated in OCSD#1 extension in the Blooming Grove case. The County is appealing the Blooming Grove case and, if successful, would revive the OCSD#1 extension. Our attorneys are recommending that we appeal the denial of our petition, which would allow us to participate in the appellate argument.

Motion was offered by Councilman Palermo, seconded by Councilman Levine, to authorize our attorney to proceed as suggested with both cases.

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

### III. New Business:

#### a. Update – Parks Department:

Supervisor Burke requested that Parks Director Joseph Gianzero attend tonight's meeting to give an update on the status of the parks. Director Gianzero stated the entire success of the parks starts with the Board by approving the budget. He thanked all the departments that are assisting to make the parks as huge of a success as it has been, especially the the Buildings and Grounds Department for beautifying the parks and keeping them clean. This year 97 people have been employed for the summer, of which 65 live in the town. Camp Rez started with 85 campers in this three week session; 40 are enrolled for the August session so far. The building is complete and is very successful. He then announced some upcoming events, noting that "Kids Day" is July 16 and that last year 1000+ people attended. Councilman Levine noted that the Boy Scout project at CV Pond has been completed. Director Gianzero noted that the other approved project by a Boy Scout, bicycle racks at both parks, has been completed as well. The next project is benches along the walking path. The Board thanked Director Gianzero and acknowledged his efforts.

#### b. Discussion – FY2012 Budget Preparation:

Supervisor Burke addressed the recent legislation enacted by the State regarding the 2% cap on tax levies. He noted everyday more information is received regarding this and the interpretation continues to change. The Board has a lot to learn and every effort will be made to educate all involved to be sure that this cap is fully understood and followed.

#### c. Girl Scout Project – Gatehouse:

Girl Scout Clare Fitzgerald is working on her Gold Award and would like to refurbish all the iron fencing at the Gatehouse Learning Center. This historic site will celebrate its 100 anniversary in 2012 and the Gatehouse Committee feels this is a worthy project to preserve the quality and appearance of this property. Dorothy Morris, Chairperson of the Gatehouse Committee, will be the sponsor for Ms. Fitzgerald. Motion was then offered by Councilman Haviland, seconded by Councilman Levine, to approve this project.

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

Councilman Levine stated believes it is a very worthy project but is concerned about the age of the fencing and the possibility of lead paint. Supervisor Burke stated he will speak to Mrs. Morris about this concern.

### IV. Public Comment:

Councilman Levine stated he feels the entire community benefited from the tremendous event held on July 2 that included a 5K race, car show, street fair, fireworks and music. He acknowledged all

organizations that made the day possible and the individuals that are on the committee, noting Maria Hunters efforts as Chairperson of the event.

Councilman Palermo gave special thanks to Colleen and Emily McKay from Jay's Deli. The deli was closed on July 4 but since the camp started that day, Colleen went in just to be sure that the campers had food.

Superintendent Stabile also acknowledged Maria Hunter for the work she did on the Firecracker Festival. He then gave an update on the status of the road improvement project for this year.

John Smith, regarding the Park Avenue Improvements, asked what the \$20,000 allocated this evening was for and Supervisor Burke stated it was for paperwork done thus far. Mr. Smith then stated a resident of Park Avenue, Donald Blair, took him on a tour of the bridge and informed him that he felt that the original design was flawed, which was the cause of the flooding. Mr. Smith asked if the Town is expecting some return of money from the engineers that approved this original design. Supervisor Burke stated the project was done in 1999 and the design was approved by the Department of Environmental Conservation. He also has spoken with Mr. Blair a number of times regarding this issue and there is no money being returned. Mr. Smith then stated during the design phase of these new improvements there was talk about putting the water/gas lines behind the houses instead of under the creek and he asked what the outcome was. Supervisor Burke stated Central Hudson was present at the meeting to discuss the gas line. They stated they would sleeve the line under the creek. They opted to do it this way as it would be very costly to the property owners to change the line, noting the lines inside the homes would have needed to be changed. The water line will be determined by the Village.

**V. Adjournment:**

With no further comments received or business to discuss, a motion was offered by Councilman Palermo, seconded by Councilman Levine, to adjourn the meeting at 8:20.

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

Desiree Potvin, Town Clerk

*The Board entered into a closed session with its attorney after adjournment.*