

Minutes of the Town Board Meeting held at Town Hall on March 17, 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; Robert Kwiatkowski, Police Chief; Dorothy Morris, Library Board; Jennifer Bradshaw, Library Director; Timothy Egan, Village Trustee; Maria Hunter and Lorraine McNeill, Village Planning Board

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 March 3, 2011.

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 March 14, 2011.

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

b. Approval of Abstract:

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to approve revised Abstract 5 by voiding Voucher 20110522 (check #4390). This reduces the total of the abstract to \$140,822.31.

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

Motion was then offered by Councilman Levine, seconded by Councilman Palermo, to approve Abstract 6, Vouchers #20110554 - #20110718, totaling \$336,521.59.

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

EXTRA ITEM – Appointment of Board of Assessment Review Secretary:

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to appoint Gale Naugle as Secretary for the Board of Assessment Review with an hourly rate of \$12.

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

II. Old Business:

a. Resolution – Consolidation of Government:

Motion was offered by Councilman Palermo, seconded by Councilman Skoufis, to readopt the following resolution, originally adopted July 1, 2010, urging Assemblywoman Nancy Calhoun and Senator William Larkin to reintroduce legislation that would consolidated the Town of Woodbury and the 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:

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 CONSOLIDATE 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 NY 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 NY 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

Councilman Haviland stated last year there was a question with regards to the interpretation of the law. He has recently spoken with Assemblywoman Calhoun and she promised to explain the intent behind the law to the Assembly when it is presented for consideration.

III. New Business:

a. Home Rule Legislation – Hotel/Motel Tax:

Motion was offered by Councilman Palermo, seconded by Councilman Levine, to adopt the following resolution:

RESOLUTION REQUESTING THE ENACTMENT OF NEW YORK STATE ASSEMBLY BILL #A.2766 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.2766 which Bill 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.2766 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.2766 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

Councilman Palermo stated he spoke with Assemblywoman Calhoun recently and was informed that the State is looking for ways to help Towns increase their revenues to help with the shortage in mortgage tax fees earned. It is possible this legislation may be passed this year, noting that two Towns were approved to impose a hotel/motel tax last year. Councilman Haviland stated she informed him of the same information as well.

b. Home Rule Legislation – Justice Court Security Fee:

Motion was offered by Councilman Palermo, seconded by Councilman Levine, to adopt the following resolution:

RESOLUTION REQUESTING THE ENACTMENT OF NEW YORK ASSEMBLY BILL #A.3384 AUTHORIZING THE TOWN OF WOODBURY TO AMEND THE UNIFORM JUSTICE COURT ACT, IN RELATION TO FEES FOR SECURITY COSTS FOR 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 Assembly authorizing the amendment to the Uniform Justice Court Act in relation to fees for security costs; and

WHEREAS, pursuant to that "Home Rule" request there has been introduced in the New York Assembly Bill #A.3384, which Bill authorizes the amendment to the Uniform Justice Court Act in relation to fees for security costs 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.3384 and to authorize the transmittal of such support to the New York State Assembly.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Woodbury requests the enactment of New York Assembly Bill #A.3384 authorizing the amendment to the Uniform Justice Court Act in relation to fees for security costs 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 the New York State Assembly forthwith.

ADOPTED BY ROLL CALL AS FOLLOWS

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

c. Resolution – Public Employee Appreciation Day:

Motion was offered by Councilman Skoufis, seconded by Councilman Levine, to adopt the following resolution honoring and supporting public employees and declaring March 25, 2011 as "Public Employee Appreciation Day" in the Town of Woodbury:

WHEREAS, public employees at the federal, state, county and municipal levels of government include teachers, doctors, scientists, nurses, laborers, social workers and countless other occupations,

providing vital services with professionalism and integrity, and making our communities good places to live, work, and raise our families; and

WHEREAS, Woodbury public employees are talented, skilled, and hard-working neighbors and family members; and

WHEREAS, the labor movement has been central to New York’s history and New York has a proud record of supporting and passing worker protection laws ensuring workplace safety and honoring and safeguarding living wage jobs; and

WHEREAS, the Town of Woodbury employs public employees who provide professional, dedicated service throughout their employment, and many of whom are union members; and

WHEREAS, public employees throughout the nation have lost their jobs and have experienced reduced wages and benefits as a result of the devastating recession; and

WHEREAS, labor unions and employees around the country have stepped forward to voluntarily participate in wage and benefit reductions, furloughs, and other cost saving measures to preserve the jobs of their fellow employees and assist in managing the impacts of the recession on governmental budgets, and have developed creative ways to reduce costs and improve efficiencies; and

WHEREAS, we should honor and respect the work of all of our public employees, and will continue to call on them to carry out their duties and be creative about making government more efficient; and

WHEREAS, in many states the rights of hard-working public employees are under threat with proposals to curtail public employees’ right to bargain collectively.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF WOODBURY, THAT:

Section 1. The Woodbury Town Board reaffirms our support for public employees to organize and to bargain collectively. We oppose any attempt to restrict or eliminate collective bargaining in the State of New York; and

Section 2. The Woodbury Town Board is committed to a fair and respectful process and to bargaining in good faith with our public employees; and

Section 3. In the Town of Woodbury, Friday, March 25 is proclaimed as “PUBLIC EMPLOYEE APPRECIATION DAY”.

ADOPTED BY ROLL CALL AS FOLLOWS

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

Councilman Haviland stated when this item was discussed at the March 14 worksession he stressed his opposition to its intent, noting that he felt it was “echelons above our reality”. After listening to the comments made by Councilman Palermo and his stating this resolution as being a show of “good faith” to the employees, he has decided to support the resolution. Councilman Palermo thanked Councilmen Skoufis and Levine for working together to present a well written resolution. Councilman Levine stated he is glad that Woodbury is joining other municipalities across the nation by showing its support of the employees.

EXTRA ITEM – Discussion/Approval of Dispatchers Contract:

Motion was offered by Councilman Palermo, seconded by Councilman Levine, to authorize Supervisor Burke to sign the ratified dispatcher’s contract/memo of agreement.

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

Councilman Levine stated he is glad to present a responsible contract that was negotiated fairly for all parties involved, including the taxpayers.

IV. Department Reports:

a. Supervisor's Report – February 2011

Motion was offered by Councilman Levine, seconded by Councilman Haviland, to approve the February 2011 Supervisor's Report with receipts totaling \$6,900,929.63 and disbursements totaling \$927,333.98.

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

b. Town Clerk's Report – February 2011

c. False Alarm Report – January 2011

d. Parks/Recreation Minutes – March 8, 2011

e. Animal/Goose Control Report – February 2011

f. Police/Communications Report – February 2011

g. Beautification Commission Minutes – February 17, 2011

h. Library Minutes – February 4, 2011

i. Budget vs. Actual – February 2011

V. Public Comment:

Councilman Levine recognized the tragedies in Japan and hopes that they are resolved soon.

Town Clerk Potvin stated she received a letter from Assemblywoman Nancy Calhoun in which she asks that it be read for the record. Supervisor Burke asked Attorney Liberth for this opinion on this issue as a request such as this has not been received before. Attorney Liberth stated it would be the Board's decision to either permit the letter read into the record or to just note it was received. The Board members agreed to permit the letter be read. Therefore, the following letter was written to Town Clerk Potvin and received this afternoon from Assemblywoman Nancy Calhoun: "I am requesting that the following statement be read into the minutes of your meeting tonight in order to correct statements made by Town Councilman, James Skoufis, in the Times-Herald Record on Tuesday, March 15, 2011. "Home Rule" requests were passed by the Village of Woodbury on June 22, 2010 and by the Town of Woodbury on July 2, 2010. No action could occur until both "Home Rules" had been received and Session ended on June 30, 2010. That is why there was no referral to a committee. I have reviewed all the 2011 Town of Woodbury minutes which includes January 6, January 20, January 31, and February 3. There were absolutely no mentions of a "new" version of the Consolidation Bill and I never had any conversations about a new bill, only a call on March 5, 2011 from a Town Board Member thanking me for putting last year's bill in for 2011 because that wording is what the two Boards want. Town Clerk Potvin confirmed this. I reintroduced ALL my 2010 legislation and have done so for years, including your outstanding "Hotel/Motel Tax request", all without any action on the Town Board's part. For Councilman Skoufis to contact Assemblywoman Aileen Gunther and request her to put in a Woodbury Home Rule is inappropriate, especially with no knowledge by other Town Board members. Time and money have been saved by your Consolidation Bill already being in print and the only actions both Village and Town took were to, by their own decision, revise the Resolution; not one word of the bill will change. Thank you for your recording of the above statement into your minutes."

Councilman Skoufis stated he wished Assemblywoman Calhoun had the courage to appear before the Town Board this evening. He noted that the last time she attended a Town Board meeting was May 3, 2001 in which she stated she has made the removal of the Harriman toll booth her number one priority. Regarding her claim that the law did not change from the 2010 resolution to the proposed 2011 resolution, he feels that this is unfounded as she was not part of the closed session where discussions were held. He added that the Village and Town Boards were at the point to meet and

discuss it but this never happened since she introduced the law without being asked to do so. The second issue he has is the lack of communication by her to the Town officials. He believes her office should be communicating with Woodbury regularly to let us know what she is doing on our behalf. She has spoken with other Town Board members during this past week regarding his letter that was printed in the newspaper and is glad to hear that more important issues were discussed as well. Several months ago he sent an e-mail to her office requesting to be kept up-to-date on all issues relating to Woodbury but did not receive a response. He sent a follow-up e-mail asking if he would be receiving a response. He was told shortly after that by Supervisor Burke that Assemblywoman Calhoun told him that she would not be responding to his e-mails. He believes this is a "campaign grudge" since she does speak with the other members of the Town Board. He believes that any issue he tries to get considered by the Legislature on behalf of Woodbury will not be done so now. Regarding the issues of the minutes, he listed eight meetings (Town Board 2/3, 2/17, and 3/3 - Village Board 1/11, 1/25, 2/8, 2/22 and 3/8) in which discussions were recorded regarding the consolidation efforts. He suggested that Assemblywoman Calhoun spend more time corresponding with the officials of the Town she represents to see that they may need or what they are doing and spend less time sending out press releases, which she does on an average of twice per week.

Councilman Haviland stated he acknowledges that Councilman Skoufis has the right to express his opinion but feels that when he submits a letter to a newspaper and signs it as "Xouncilman" it gives the impression that his opinions represents that of the entire Board. He feels that it should be clarified that the opinion is that of Councilman Skoufis if the other Board members are not given the opportunity to agree or disagree with the issue prior to it being submitted for printing in the newspaper. Councilman Skoufis stated he disagrees and that he represents the residents of Woodbury when he signs a letter as "Councilman" and not the Board.

Jonathan Swiller asked if the resolution put forward would consolidate or dissolve the Village. Councilman Skoufis stated it is worded to consolidate the Village and Town into a Town of Woodbury.

John Kuklis stated he has a variance that was issued by the Zoning Board years ago that permitted his property to be subdivided. The variance stated the road, Ice House Road, must be suitably improved for vehicle traffic pursuant to the Town Law and Zoning Law. He would like to know who is responsible for maintaining the road and who is responsible for enforcing the variance. Attorney Liberth stated this road is a private road and it is illegal for a municipality to expend public funds on private property. He suggested Mr. Kuklis appear before the Zoning or Village Board to obtain some direction.

Trustee Egan thanked the Board for adopting the consolidation resolution. He noted that he will be Albany next month and will be meeting with Legislators urging that this issue be given serious consideration. He then stated he agrees that the employees and union should be recognized and supports the resolution adopted this evening doing so.

Sandra Capriglione asked the purpose of adopting the resolution this evening requesting legislation to consolidate the two governments if Assemblywoman Calhoun has already submitted it. Clerk Potvin stated the Senate has not and this will then be assigned a Senate number. Mrs. Capriglione then asked when the Board was informed that the legislation was already submitted to the Assembly and Councilman Skoufis stated earlier this month. Mrs. Capriglione then asked why Assemblywoman Calhoun did not inform Councilman Palermo of her intention to submit the legislation when they spoke earlier this year. Councilman Palermo stated he is very good friends with Assemblywoman Calhoun and they talk about numerous things, much that is not related to Town business. When he did speak to her earlier this year it was about the Association of Towns resolution dealing with the proposed property tax

cap. He then added that both resolutions (2010 and 2011) were basically the same and the only differences were in the body of the resolution, not the text of the requested legislation.

John Smith asked if the large potholes along Route 32 are going to be addressed soon. Supervisor Burke stated Superintendent Stabile has been in constant contact with the NYSDOT and some of already been filled. He believes the rest are schedule to be completed by the end of next week. Chief Kwiatkowski then stated residents should contact his department to report road defects on State highways. He added that his department can even assist motorists to submit claims for vehicle damage sustained by defects on the State roads.

VI. 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 8:20PM.

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

Desiree Potvin, Town Clerk