

Minutes of the Town Board Meeting held at Town Hall on February 5, 2015 at 7:30PM

Present: Ralph Caruso, Supervisor
Timothy Arone, Robert Hunter, Frank Palermo and Marilyn Prestia, Councilpersons
Absent: None
Also Present: Joseph McKay, Attorney for the Town; Robert Weyant, Highway Superintendent; Carol Herb, Tax Collector; Richard Vasquez, Police Chief; Pam Gambuti, Animal Control Officer; David Sutz, Village Trustee; Victor Ferrarelli, Village Zoning Board; David Gorden, Special Counsel to the Town Board

7:30PM – Executive Session:

Motion was offered by Councilwoman Prestia, seconded by Councilman Palermo, to enter into an executive session pursuant to the Public Officers Law to discuss three items of current litigation (Annexation, Sewer Capacity and KJ Pipeline) with Attorney McKay and Attorney Gordon. Councilman Palermo stated since Attorney Gordon had not arrived to the meeting yet and since there are a lot of people in attendance, he feels the executive session should be held at the end of the meeting. Supervisor Caruso stated he has no problem holding the executive session at the end of the meeting but noted that that meeting would need to remain open and could not be closed until the executive session is concluded. Councilman Palermo noted that is the process that has always been followed in the past. Both Councilwoman Prestia and Councilman Palermo withdrew their motions.

I. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to accept the minutes of the regular meeting held January 15, 2015.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
NOES 0

b. Approval of Abstract:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to approve Abstract 2 containing vouchers 20150173 – 20150310 and totaling \$274,741.63.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
NOES 0

c. Budget Modifications:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve a modification to the 2015 budget of the Senior Center by increasing A2705 (Gifts and Donations) by \$8000 and increasing A7620.400 (Adult Recreation) by \$5000, A7620.469 (Kitchen/Food Supplies) by \$3000.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
NOES 0

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to approve a modification to the 2014 budget of the Highway Department by increasing DB4960 (Emergency Disaster Assistance) by \$2960, DB3501 (CHIPS) by \$12,271, DB2770 (Unclassified Revenues) by \$37,771, decreasing DB5110.469 (Drainage Pipe) by \$2260 and increasing DB1980.400 (MTA Tax) by \$15, DB5110.425 (Grounds/Weed Control) by \$2089, DB5110.451 (Tools Insides) by \$354, DB5110.465 (Blacktop) by \$21,205, DB5110.470 (Road Oil) by \$3058, DB5110.472 (Sidewalks) by \$9968, DB5110.474 (Metals/Steel) by \$2260, DB5110.477 (Garage Perimeter) by \$59, DB5112.400 (CHIPS) by \$12,271,

DB5130.417 (Flares/Oxygen) by \$364, DB5130.447 (Truck Parts/Repairs) by \$1732, DB5130.454 (Oils & Lubrication) by \$324, DB5130.455 (Tires) by \$608, DB5130.456 (Gas Pump Maintenance) by \$550, DB9030.800 (FICA) by \$405.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
 NOES 0

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve a modification to the 2014 budget of the Animal Control Department by decreasing A3510.431 (Vet Fees) by \$663 and increasing A3510.403 (Heating Oil/Gas) by \$663.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
 NOES 0

II. Old Business:

a. Committee Assignments:

Supervisor Caruso noted that all Board members have received his committee assignment designations. Councilman Palermo confirmed that there would only be four committees and Supervisor Caruso stated for now but more can be created as he deems necessary. Attorney McKay noted that since the committees are established as needed by the Supervisor it is not necessary for the Board to take action to approve them.

b. Procurement Policy:

Motion was offered by Supervisor Caruso, seconded by Councilwoman Prestia, to adopt the procurement policy as presented by Supervisor Caruso. Councilman Hunter stated he was under the impression the Board voted on this issue at the last meeting and it was decided to adopt the policy as it was in 2014. Supervisor Caruso stated the 2014 policy was adopted so the Board could discuss his proposed version. Councilman Arone stated he would like to hear input from the Department Heads and what their opinions are on the proposed policy. He noted that audits are conducted annually and no issues have even been raised by the auditors. He feels that if there are no issues or abuse occurring then the policy should remain as is. It can always be revisited in the future if an issue arises. Councilman Palermo thanked Supervisor Caruso for providing a red-lined version of his proposed policy so it could be compared to what was adopted the past several years, however he did not think the issue would be discussed again so soon since a policy was adopted at the January 15 meeting. He feels that the issue could be discussed in several months to give the Supervisor an opportunity to provide valid reasons or proof of abuse. He feels the biggest problem a majority of the Board had with the proposed policy was the reduction in the limits in Guideline 3. He then suggested that one change be made to the policy to update the employee's names in Guideline 1. Councilwoman Prestia stated the annual accounting that is done has nothing to do with procurement. She supports the policy as proposed by Supervisor Caruso and feels that more oversight is needed over the purchases made, including more purchasing from local businesses. She stressed that this is not a reflection on the Department Heads but the longer the Board waits on acting on this proposal the harder it will be to move forward. Supervisor Caruso cited some policies that have been adopted by other Towns, similar in population, and what their maximum limits permitted to be spent at the Department Heads discretion: Chester \$1000; Crawford \$750; New Windsor \$500, \$1000 for heavy equipment; Warwick \$1000; Highlands \$250; Blooming Grove \$250. He then provided an example where abuse has occurred: a department (he did not state which) purchased a desk for \$1344. He feels this amount to spend on a desk is inappropriate and had approval been required prior to purchase he would have denied. Councilman Palermo thanked Supervisor Caruso for doing the research he did but stressed that not a single Board member has had an issue with the policy as it has been for the past several years. He does not feel that the Department Heads need to be "put under the thumb" of the Supervisor.

DEFEATED AYES 2 Caruso, Prestia
 NOES 3 Arone, Palermo, Hunter

Motion was then offered by Councilman Palermo, seconded by Councilwoman Prestia, to amend the procurement policy as adopted at the January 15, 2015 meeting by amending Guideline 1 as follows:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML 103. "Purchaser" is defined as a Town official, board member, department head or individual assigned by department head to have purchasing authority. Pursuant to GML 104-b, they are listed as follows:

Highway	Robert Weyant, Sheila Beadle
Police	Richard Vasquez, Arthur Abbott
Parks	Joseph Gianzero, Frances Jack
Buildings/Grounds	Robert Blair, Robert Beckley
Library	Jennifer Bradshaw
Court	Alice Confield, Carol Garen
Assessor's Office	Laura Breslin, Karen Raiti
Town Clerk's Office	Desiree Potvin, Frances Huang
Tax Collector's Office	Carol Herb
Supervisor's Office	Ralph Caruso, Laura Morrissey, Eileen Sutherland, Maxine Saracino

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
 NOES 0

NOTE – Supervisor Caruso conducted a roll call and originally voted "no". After Attorney McKay clarified that the vote was solely to correct the names to be current employees in Guideline 1 he changed his vote to "yes".

c. Timber Harvesting:

Supervisor Caruso stated at the last meeting a discussion was held regarding the harvesting to take place at the property recently purchased by the Town. He brought to the Board's attention that the proposal was not specific enough and did not identify exactly which trees would be removed. A proposal has been received from Engineer Fusco for the Board to review and discuss. Councilman Palermo stated he did not receive a copy of the proposal and Clerk Potvin stated she was under the impression that Engineer Fusco had emailed his proposal to each Board member. It was decided that Clerk Potvin will send out the proposal to each Board member and issue will be discussed at the next meeting.

d. 2014 Proposed Towing Law:

At the suggestion of Attorney McKay this item was tabled until a future meeting. He will be preparing a memo for the Board to review at that time.

e. Cornell Library Roof Repairs

Supervisor Caruso stated there are ADA improvements needed at the CV Library and a grant has been secured from the County for \$80,000. In addition, the building itself needs repairs – the roof is leaking and it has asbestos, the back deck is rotted, the siding is in poor condition, the soffit needs to be replaced. Bids were let and only one was received. The Board has not awarded the bid yet because the Library Board requested some time to review their budget to see if they have the funds to pay for the project above the \$80,000. They have not met yet due to the weather and a request was made and approved by the sole bidder to extend their quoted price 45 days to give us time to render a decision.

Additionally, Engineer Fusco is confident he will be able to lower the cost of the project by almost \$10,000. Councilman Hunter asked why the project needs to be discussed by the Library Board. Supervisor Caruso stated it has been customary to give the Library Board an opportunity to review and comment on any projects that effect the libraries. Councilman Palermo added that the Library Board has their own budget and that they are the sole keepers of that budget; since they are the authorizing agency they should have the right to discuss it. He believes they will most likely approve it.

III. New Business:

EXTRA ITEM – Resolution – Mid-Hudson Postal Facility Plant:

Correspondence was received from the Hudson Valley Area Labor Federation, AFL-CIO President requesting support to ask that the Mid-Hudson Postal Facility Plant remain open. On January 7 they received notification that the plant is scheduled to be closed on April 18, which would cause 150 Hudson Valley residents to lose their jobs. Therefore, a motion was offered by Councilman Arone, seconded by Councilman Palermo, to adopt the following resolution requesting that the US Congress prohibit the US Postal Service from closing (or “consolidating”) its Mid-Hudson Processing and Distribution Center (P & DC) in Newburgh:

WHEREAS, the United States Postal Service plans to close (or “consolidate”) the Mid-Hudson P & DC; and

WHEREAS, this plan would severely delay all classes of mail delivery; and

WHEREAS, the delay of mail would negatively affect residents and local businesses, and would harm our community; and

WHEREAS, the closure would result in a degradation of “service standards,” that would result in the virtual elimination of overnight mail delivery throughout the country; and

WHEREAS, the closure is not in the public’s best interest; and

WHEREAS, Federal Law stipulates that “The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through personal, educational, literary and business correspondence of the people. It shall provide prompt, reliable and efficient services to patrons in all areas and shall render postal services to all communities,” [39 US Code Section 101(a)].

THEREFORE, BE IT

RESOLVED by the Town Board of the Town of Woodbury to demand congressional intervention to stop this proposal to close or consolidate the Mid-Hudson P & DC, and be it further

RESOLVED to demand congressional intervention to stop the delay of mail and the elimination of overnight delivery of first-class mail, set for January 5, 2015; and be it further

RESOLVED that a certified copy of this resolution shall be forwarded to Senator Charles Schumer, Senator Kirsten Gillibrand and Congressman Sean Patrick Maloney

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
 NOES 0

EXTRA ITEM – Cancellation of February 16 Monday Meeting:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to cancel the meeting that may have been held on February 16 due to the President’s Day Holiday Observance.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
 NOES 0

IV. Board Member Comments/Announcement:

Councilwoman Prestia thanked the Highway Department for doing their job well during the recent storms. She also acknowledged the Buildings/Grounds, Police, Ambulance and Fire Departments.

Supervisor Caruso agreed with the remarks made by Councilwoman Prestia. He then read a letter from a resident commending our Police Department during a recent call that occurred at their home. He feels this letter reflects the attitude of the people that live in our Town.

Councilman Palermo noted on November 7, 2014 a group from the Senior Center took a trip to the 9/11 Memorial in NYC and purchased a flag to be presented to the Town Board. He is honored to have been asked to give the flag to Supervisor Caruso.

V. Public Comment:

Chief Vasquez thanked Councilwoman Prestia for acknowledging his department for their work during recent weather events. He also thanked the residents for remembering to remove their vehicles from all roads to helping with the clearing of the snow by the plows. He reminded that this requirement is a Town law and also applies to vehicles parked on Route 32. He noted that during a recent storm vehicles, including one owned by a Town Hall employee, had left their car parked on Route 32 and it, along with any other vehicles that prohibit the removal of snow, will be towed if deemed necessary.

Ben Meyers thanked the Highway Department for their work during the storms, as well as all EMS. He noted that the extreme cold weather has been hard on the roads causing a lot of potholes. Specifically, he stressed that the worse potholes are on Route 32 near Woodbury Common. He asked if a temporary patch can be requested of the State. Superintendent Weyant stated he submitted a request in writing and verbally to the NYSDOT but has not received a response.

Patricia Conques, President of the Woodbury Community Ambulance Corps, came this evening to thank Superintendent Weyant, his department and the Water Department for helping the Ambulance get their new radio repeater set up. She also thanked the Highway Department for doing a great job, which helps the Ambulance Corps to respond to calls.

Justin Hunter stated, regarding the procurement policy, that he does not care what limits are adopted by other communities and only cares about what works for Woodbury. He feels that buying a cheap desk will last for a shorter period of usefulness then spending a little more on a quality one.

8:15PM – Executive Session:

Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to enter into an executive session pursuant to the Public Officers Law to discuss three items of current litigation (Annexation, Sewer Capacity and KJ Pipeline) with Attorney McKay and Attorney Gordon and one item relating to a tax certiorari with Attorney McKay.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
 NOES 0

No minutes of the executive session were recorded.

VI. Adjournment:

With no further comments received or business to discuss, a motion was offered by Councilman Palermo, seconded by Councilman Arone, to end the executive session, return to open session and adjourn the meeting at 9:35PM.

ADOPTED AYES 5 Caruso, Arone, Hunter, Palermo, Prestia
 NOES 0

Desiree Potvin, Town Clerk