

Minutes of the Town Board Meeting held at Town Hall on January 15, 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; Joseph Gianzero, Parks Director; Arthur Abbott, Lieutenant; Kevin Watson, Sergeant; Chris Caruso and John Farrell, Police Officer; Dorothy Morris, Library Board; Fred Ungerer, Parks Commission; David Sutz, Village Trustee; Maria Hunter and Chris Scibelli, Village Planning Board; Victor Ferrarelli, Village Zoning Board

**I. Oath of Office Ceremony:**

The Oath of Office was administered to Supervisor Caruso by Town Clerk Potvin. Supervisor Caruso thanked the employees for the welcome he has received. He looks forward to working with everyone.

**II. Public Hearing:**

a. ILL1 of 2015 – Animals:

A public hearing was held to entertain public comments on Introductory Local Law 1 of 2015 entitled “Animals” to amend Chapter 85 of the Town Code to correct certain inconsistencies therein. The public notice was printed in the Times Herald Record on January 7, 2015 and the following comments were received:

Linda Siebold asked if the Town is making any money by providing animal control services to Cornwall. Clerk Potvin explained that this local law has nothing to do with that issue. This law is solely to correct some duplicity in the existing law relating to fines charged for failing to obtain dog licenses. However, the agreement with Cornwall clearly states that they will reimburse Woodbury for all expenses incurred while providing them with animal control services.

With no further comments received, a motion was offered by Councilman Arone, seconded by Councilman Palermo, to close the public hearing.

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

Motion was then offered by Councilwoman Prestia, seconded by Councilman Palermo to adopt the following resolution to amend Chapter 86 of the Town Code entitled “Animals” and adopt Local Law 1 of 2015:

**WHEREAS**, the Town Board has identified the need to correct certain inconsistencies within Chapter 85 of the Town Code, so that all of the provisions of the chapter are internally consistent; and

**WHEREAS**, the Town Board previously designated itself the "Lead Agency" with respect to the review of the proposed local law (the “Project”) in accord with the New York State Environmental Quality Review Act (“SEQRA”) and part 617 of the regulations implementing SEQRA, since there are no other agencies that have the authority to approve the Project; and

**WHEREAS**, the Town Board has preliminarily classified the action as an unlisted action under SEQRA, and held a public hearing in order to receive comments and suggestions regarding the adoption of the proposed local and to consider the possible adverse environmental impacts of the proposed local law pursuant to SEQRA;

**NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, by the Town Board of the Town of Woodbury that the proposed Local Law #1 of 2015 has no potential adverse environmental impacts; issues a Negative Declaration with respect to the

proposed local law and authorizes the Supervisor to execute the EAF prepared in connection with this action; and it is further

**RESOLVED**, that the Town Board of the Town of Woodbury hereby adopts Local Law #1 of 2015, amending Town Code Chapter 85, entitled "Animals", and hereby directs the Town Clerk to file this Local Law with the New York Secretary of State.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Supervisor Caruso	AYES
Councilman Arone	AYES
Councilman Hunter	AYES
Councilman Palermo	AYES
Councilwoman Prestia	AYES

*A complete copy of the local law appears at the end of these minutes (pages 203-204)*

**III. Reorganization:**

Appointment of Deputy Town Supervisor:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to appoint Marilyn G. Prestia as Deputy Town Supervisor.

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

Meetings/Official Newspaper/Mileage & Food Reimbursement:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to accept the following:

- 1) That the Town Board will hold regular meetings in the Town Hall on the first and third Thursdays of each and every month at 7:30PM, and that the Town Board will hold a meeting (formerly known as a worksession) the Monday preceding each Town Board meeting at 7:30PM, if necessary<sup>1</sup>.

**ADOPTED**      AYES    3            Arone, Hunter, Palermo  
                     NOES    2            Caruso, Prestia

Motion was offered by Supervisor Caruso, seconded by Councilwoman Prestia to accept the following:

- 2) That the Middletown Times Herald Record be designated as the official newspaper for the Town of Woodbury.
- 3) That members of the Town Government and employees, when on official business or duty for the Town, shall be paid at the rate of \$0.575 cents per mile for the use of their car (rate includes gas and wear/tear of vehicle).
- 4) The maximum food allowance per day when employees attend a conference is \$75.00, with no alcoholic beverage reimbursement.

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

Investment Policy:

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

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<sup>1</sup> Initial proposal by Supervisor Caruso was to hold meetings only on Thursday evenings. Councilman Palermo stated he felt the Monday night "worksessions" were important as it gives the residents an opportunity to meet with the Board at an informal, non-recorded setting. He feels that a lot of business is accomplished at the Monday meetings but also acknowledged they may not be necessary to have every Monday before a Thursday meeting. Supervisor Caruso stated he feels they are unnecessary and that all discussion should be held at the regular meeting and then voted upon at that time or at a future meeting.



Motion was then offered by Councilman Hunter, seconded by Councilman Palermo, to designate Joseph McKay to attend meetings and the law firm Catania, Mahon, Milligram & Rider, PLLC, as Legal Counsel for the Town of Woodbury.

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

Motion was offered Councilman Arone, seconded by Councilman Hunter, to designate Fusco Engineering as engineers for the Town and Fusco Engineering to complete outstanding projects from the previous Town engineer.

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

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Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve the 2015 salaries for non-union employees and elected officials as was approved and adopted at the 2015 Budget Public Hearing, which was held on November 13, 2014

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

Committee Assignments presented by Supervisor Caruso as follows:

|                                      |                  |
|--------------------------------------|------------------|
| Media Relations                      | Caruso, Prestia  |
| Woodbury Day Liaison                 | Prestia          |
| Cable Franchise                      | Palermo, Hunter  |
| Fiscal Advisory                      | Caruso, Prestia  |
| Environmental Conservation           | Prestia          |
| Records Management Liaison           | Caruso           |
| Library Liaison                      | Palermo, Prestia |
| M-W School Board Liaison             | Prestia          |
| Cornwall Town Board Liaison          | Caruso           |
| Gatehouse Committee Liaison          | Palermo          |
| Police Department Liaison(s)         | Caruso, Prestia  |
| Building & Highway                   | Caruso, Prestia  |
| Insurance                            | Arone, Hunter    |
| Senior Citizen Liaison               | Caruso, Prestia  |
| Beautification Commission Liaison    | Hunter           |
| Business Improvement Dist. Committee | Caruso, Arone    |
| Refuse                               | Caruso, Palermo  |
| Parks Department Liaison(s)          | Caruso, Prestia  |
| Employee Relations                   | Caruso, Hunter   |
| Pre-Disaster/Mitigation Planning     | Caruso, Arone    |
| Technology                           | Prestia, Hunter  |
| Village Liaison(s)                   | Caruso, Prestia  |

Councilman Hunter stated each Board member has a certain skill set or area of interest they would like to be responsible for. He was not consulted about the assignments made by Supervisor Caruso and would like to know how they were assigned. Supervisor Caruso noted that not much change has been made from last year's list. He added it could be discussed and Councilman Hunter stated he would like it discussed at a worksession. He also feels he should have been contacted to determine which committees he would like to serve on. Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to table the vote on the committee assignments to the next meeting.

**ADOPTED**      AYES    5            Caruso, Arone, Hunter, Palermo, Prestia

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Procurement Policy:

A lengthy discussion was held regarding changes to the procurement policy proposed by Supervisor Caruso. Some of these changes proposed were amendments to Guideline 3 and an added requirement that all purchases require final approval by the Town Supervisor.

Councilman Arone asked Supervisor to explain why he changed the parameters in Guideline 3 by reducing the amount that can be spent on a single purchase by a Department Head at their own discretion from \$5000 to \$1000. Supervisor Caruso stated it is to ensure that the taxpayer's money is being spent where it should be and to control spending. Councilman Arone asked if the Department Heads were part of this decision making and noted that he feels this will handicap them. Supervisor Caruso stated that it is his responsibility, as Chief Fiscal Officer, to ensure that the budget is protected. He feels this change will not infringe on the Department Heads ability to purchase but will ensure there are checks and balances. Councilman Arone stated he agrees there should be checks and balances but feels a \$1000 amount will greatly curtail some department's ability to make purchases when needed. He would like to hear from the Department Heads on the issue and believes there is a compromise that can be reached.

Councilman Palermo stated he also has concerns with the policy as proposed. He has been a Board member for five years and does not recall a single event where a department has abused the policy. He feels the Town has responsible employees and they always stay within their budgets with the guidelines that have existed for several years with no problems. He feels that a lot of changes have been made to the policy as presented and feels that a red-lined version should have been sent to the Board members to compare with the current policy. He also feels that the Supervisor is taking a lot of power away from the Board, which he is not willing to give up. He also noted that the entire Board is responsible for the budget, not just the Supervisor. He feels that the policy that currently exists is acceptable. Supervisor Caruso stated again that he is the Chief Fiscal Officer and is responsible for all the spending that occurs. He feels that if the policy states "with Town Board approval" it will be more difficult for a Department Head then if they solely need approval from the Supervisor. Councilman Palermo stated the approval terminology was added to this proposed policy and was not there before. He understands what Supervisor Caruso is trying to accomplish but does not believe that handicapping the Department Heads ability to make a purchase is right. Supervisor Caruso stated he feels \$5000 is a lot of money to be spent however a Department Head sees fit without justification. Councilman Palermo stated three Department Heads called him to stress their concerns about the proposed changes. He feels it would have been nice for this issue to be discussed prior to being voted upon as well. He feels the Board should adopt the current policy this evening. Supervisor Caruso stated he feels the current policy eliminates the Supervisor's ability to keep track of the budget. Councilman Palermo stated Supervisor Caruso can always meet with Department Heads to ask for justification. He noted that the budget has been adopted and the Department Heads have a right to spend the money they were approved for. He is very proud of the budget that was adopted and feels that micromanaging is not the answer.

Councilman Hunter stated he agrees that the Department Heads do a great job staying within their budget and he does not see a need for a change.

Councilwoman Prestia stated she does see the need for some changes and that the Board needs to have tighter controls. She feels it is not a reflection on the Department Heads or their performance but is a reflection for getting more quotes, better pricing and using local businesses. She agreed the Department Heads do great work.

Motion was then offered by Councilman Palermo, seconded by Councilman Arone, to adopt the procurement policy as follows, as it was approved at the 2014 organizational meeting:

WHEREAS, General Municipal Law (GML) 104-b requires every Town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML 103 or any other law; and

NOW, THEREFORE, BE IT

RESOLVED that the Town of Woodbury does hereby adopt the following procurement policies and procedures:

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, John Jones, 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    | John Burke, Laura Morrissey, Eileen Sutherland, Maxine Saracino |

Guideline 2. All purchases of (a) supplies or equipment which will exceed \$20,000 or (b) public works contracts over \$35,000 shall be formally bid pursuant to GML 103.

Guideline 3. Purchase of goods of a single item shall follow the following:  
Less than \$20,000 but greater than \$10,000 Three written quotes with documentation  
Less than \$10,000 but greater than \$5,000 Two written quotes with documentation  
Less than \$5,000 Left to discretion of the Purchaser

Pursuant to GML 103(1), purchases of "commodities, services or technology" may not be "artificially divided" for the purpose of satisfying the "discretionary buying thresholds". "The reasonably expected aggregate amount of all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of the purchase" must be considered.

Purchase of public work/services contracts shall follow the following:

Less than \$35,000 but greater than \$20,000 Three written quotes with documentation  
Less than \$20,000 but greater than \$5,000 Two written quotes with documentation  
Less than \$5,000 Left to discretion of the Purchaser

Any written request for proposals (RFP) shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors for the quotes that have been received by using the form provided by the Town. All information gathered in complying with the procedures of this policy shall be preserved and attached to the voucher that is submitted for processing of payment to the successful vendor.

In the event that a diagnostic examination results in charges that will fall under a procurement threshold requiring a form of documentation other than initially anticipated, management will determine if the work can proceed without fulfilling the standard requirements of the applicable threshold.

Guideline 4. The lowest responsible proposal/quote shall be awarded unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented.

Guideline 5. A good-faith effort shall be made to obtain the required number of proposals/quotes. If the Purchaser is unable to obtain the required number of proposals/quotes, the Purchaser shall document the attempt made. In no event shall the inability to obtain the proposals/quotes be a bar to the procurement.

Guideline 6. Except when directed by the Town Board, no solicitation of proposals/quotes shall be required under the following circumstances:

- (a) Acquisition of professional services;
- (b) Emergencies;

All purchases made under the emergency exception must meet the following criteria: 1) need arises from an accident or unforeseen occurrence or condition; 2) need affects public buildings/property or life, health and safety; 3) immediate action is needed and cannot await competitive bidding or competitive offering.

- (c) Sole-Source situations;
- (d) Goods purchased from agencies for the blind or severely handicapped;
- (e) Goods purchased from correctional facilities;
- (f) Goods purchased from another governmental agency;
- (g) Goods purchased at auction;
- (h) Goods purchased for less than \$5,000;
- (i) Public work/services for less than \$5,000.
- (j) Contracts that have been let by the United States or any agency thereof, any state or any other political subdivision or district therein, pursuant to NYS Comptrollers Guidelines and General Municipal Law Section 103.

Guideline 7. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

**ADOPTED**      AYES    3            Arone, Hunter, Palermo  
                     NOES    0            Caruso, Prestia

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Official Undertaking:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to adopt the following resolution approving the form of official undertaking of municipal officers of the Town, pursuant to Section 11 of Public Officers Law, and the manner of execution and the sufficiency of the Town's insurance company surety:

**RESOLVED**, that the Town Board of the Town of Woodbury, Orange County, New York, herein and hereby approves the below form of official undertaking of municipal officers of the Town as well as the manner of execution and sufficiency of the Town's insurance company as surety under same:

TOWN OF WOODBURY, ORANGE COUNTY, NEW YORK  
OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS

**WHEREAS**, Ralph Caruso, of the Town of Woodbury, County of Orange, New York, has been elected to the office of Town Supervisor of the Town of Woodbury; and

**NOW THEREFORE**, I/we as respective officers above, do hereby undertake with the Town of

Woodbury that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and

The Town does and shall maintain insurance coverage, presently with New York Municipal Insurance Reciprocal in the sum of \$100,000 per loss plus an additional \$200,000 for the Tax Collector and Deputy Tax Collector, \$100,000 for the Town Supervisor and Deputy Town Supervisor and \$100,000 for the Town Clerk and Deputy Town Clerk to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

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

#### **IV. Administrative Business:**

##### **a. Acceptance of Minutes:**

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to accept the minutes of the December 29, 2014 meeting.

**ADOPTED**      AYES            4            Arone, Hunter, Palermo, Prestia  
                     ABSTAIN        1            Caruso

##### **b. Approval of Abstract:**

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to approve Abstract 1 containing vouchers 20150001 – 20150172 and totaling \$400,971.79.

**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 2014 budget of the Senior Center by increasing A2705 (Gifts and Donations) by \$1625 and increasing A7620.400 (Adult Recreation) by \$1625.

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

Motion was then offered by Councilman Arone, seconded by Councilman Palermo, to approve a modification to the 2014 budget of the Central Garage by increasing A1640.400 (Central Garage Car) by \$60 and decreasing A1680.200 (Central Data Processing Equipment) by \$60.

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

##### **d. Designate Delegates for AOT Business Meeting:**

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to designate the following named persons to attend the Annual Business Session of the Association of Towns of the State of New York, to be held in New York City, on February 18, 2015, and to cast the vote of the Town, pursuant to Section 6 of Article III of the Constitution and By-Laws of said Association: Delegate - Supervisor Ralph Caruso, Alternate - Town Clerk Desiree Potvin.

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

#### **V. Old Business:**



a. Harvesting Proposal – Open Space:

A proposal was received from County Logging & Land Clearing, Inc., to harvest pine trees and trees close to the existing buildings, as well as fallen trees that are usable, on Town owned property, SBL 218-1-22 (formerly Gasho), at no cost to the Town. They will also cut down all dead and dangerous trees on the property. Supervisor Caruso noted that he has read through the proposal and the files on the Gasho property. He does not feel that the Board should move forward since the proposal is not specific enough and it does not indicate which trees will be removed/cut down. He noted the Town Code requires that a plan be in place for harvesting and suggested the issue be tabled until more information is received. Councilman Hunter stated there are numerous large pine trees that are already down on the property and feels they need to be removed for safety reasons. He added there are also a number of dead or dying trees that are close to the buildings that he feels are dangerous. Our Highway Department is unable to do the work required and he feels we need to move forward. Councilman Palermo stated Councilman Hunter, Buildings/Grounds Superintendent Robert Blair and he met with County Logging on the site to discuss the work to be done. He does not have any issue with the work being done as presented and feels that a liability issue exists with the property in its present condition. However, he suggested that Supervisor Caruso contact County Logging and asked them for a more specific plan. Supervisor Caruso noted that he also held a site visit with Superintendent Blair as well. Councilman Arone agreed that there should be a plan. Councilwoman Prestia stated that as a team the Board needs to move forward and make a decision as to what needs to be done. Clerk Potvin noted that the section of the Town Code referred to by Supervisor Caruso is no longer valid since the creation of the Village. The Town would most likely need to go before the Village for a harvesting permit. This would require a detailed plan as well as SEQRA. Supervisor Caruso stated a meeting will be scheduled to discuss the issue further.

**VI. New Business:**

a. Association of Towns Resolutions:

The following proposed nine resolutions will be voted upon by the Town's designated delegate at the annual Associations of Towns business meeting held on February 18, 2015. These resolutions will be how the Association will lobby the State Legislature to vote on proposed legislation. The resolutions proposed are as follows:

1. Property Tax Cap – Urge the Governor and State Legislator to fund and/or eliminate state mandates, provide meaningful state aide, reform the real property tax system and address cost drivers in the provision of local government services/operations in order to provide lower property taxes for all New Yorkers.
2. Tax Freeze Look-Back Period – Respectfully requests that the state Division of Budget considers action taken before January 2012 that continues to demonstrate savings to the taxpayers.
3. Reform the Real Property Tax System – Call upon the Governor and the Legislature to define and enact a uniform, well-defined approach to exemption and taxable status date legislation and provide state funding for any state-mandated or –encouraged exemption program and protect local property tax revenues.
4. Assessing and Taxing Fiber Optic Cable on Private Property – request that the Real Property Tax Law be amended to provide that fiber optic cable on private property is subject to assessment and taxation.
5. Strengthen New York State's Partnership with Local Governments – Calls upon the Governor and Legislature to enact comprehensive mandate relief legislation that provides permanent and full funding of existing and future mandates and requires all legislation to include thorough local fiscal impact notes regarding the actual expense of implementing said legislation; and to increase revenue sharing, program funding and technical assistance to localities.

6. Preserve and Strengthen Home Rule – Call upon the Governor and Legislature to preserve and strengthen home rule; and to strongly oppose any state initiative to weaken or eliminate New York’s long-standing tradition of home rule and local government authority.
7. Highway, Bridge and Transportation Funding – Call upon the Governor, Legislature and DOT to fully fund and preserve the Dedicated Highway and Bridge Trust Fund (DHBTF) for capital infrastructure expenditures and to phase out noncapital expenditures; and to maintain CHIPS and increase funding in the 2015-2016 State Budget and to provide a stable and sustainable funding stream for local infrastructure; and to appropriate a portion of the multi-billion dollar legal settlement funds to provide additional funding for local roads and bridges.
8. Enact a Multiyear Federal Transportation Program – Call upon the New York Congressional Delegation to adopt a multiyear federal surface transportation bill, which includes: robust funding for local roads, bridges and transportation projects, including active transportation projects; sufficient funding to ensure that the Federal Highway Trust Fund is fully solvent; funding for off-system bridges; funds set aside for TAP Programs; and the categorical exclusion for smaller projects.
9. Clean Water Act – Waters of the US – Oppose the proposed regulation in its current form; calls upon members of the New York Congressional Delegation and the EPA and Corps to address concerns expressed by local governments, farmers and businesses regarding the scope of the proposed regulation and the cost of compliance; call upon the Governor, Legislature and DEC not to impose or expand any unfunded mandates regarding the implementation of the final federal regulation.

The Board agreed with all the above resolutions. Motion was then offered by Councilman Arone, seconded by Councilman Hunter, to instruct the Voting Delegate or Alternate Voting Delegate to cast votes of support, on behalf of the Town of Woodbury, on the above issues at the Annual Business Meeting of the Associations of Towns to be held on February 18, 2015.

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

b. Resolution - Hotel/Motel Home Rule Request:

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

**RESOLUTION REQUESTING THE ENACTMENT OF A NEW YORK STATE ASSEMBLY BILL AND A NEW YORK STATE SENATE BILL FOR THE 2015 LEGISLATIVE SESSION 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 up to 5% in the Town of Woodbury; and

**WHEREAS**, pursuant to that "Home Rule" request there has been introduced in the New York State Assembly and New York State Senate bills which authorize the imposition of a hotel and motel tax in the Town of Woodbury; and

**WHEREAS**, the Town Board of the Town of Woodbury is requesting the ability to impose such a tax to use the revenue to offset the cost of the emergency communication program that is used to ensure residents are aware of emergency conditions in Town via cellphone, landlines, electronic mail and text messaging; and

**WHEREAS**, the Town Board of the Town of Woodbury wishes to express its support for the passage of an Assembly Bill and a Senate Bill 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 a New York State Assembly Bill and a New York State Senate Bill authorizing the imposition of a hotel and motel tax up to 5% 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 Caruso	AYES
Councilman Arone	AYES
Councilman Hunter	AYES
Councilman Palermo	AYES
Councilwoman Prestia	AYES

EXTRA ITEM – Completion of 2014 Annual Accounting:

Supervisor Caruso announced that the Annual Accounting of the 2014 records, as required pursuant to Section 62 of Town Law, was completed January 14, 2015. He acknowledged Councilwoman Prestia and Eileen Sutherland for the time they committed during the process. It was noted by both Councilwoman Prestia and Supervisor Caruso that all the departments were prepared and their records were very accurate. Councilman Palermo also thanked Councilwoman Prestia for the time she has dedicated to the annual accounting process over the past few years.

**VII. Department Reports:**

a. Supervisor's Report – December 2014

Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to approve the December 2014 Supervisor's Report with receipts totaling \$204,570.17 and disbursements totaling \$1,385,052.79.

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

b. Town Clerk's Report – December 2014

c. Parks/Recreation Minutes – November 18, 2014

d. Animal/Goose Control Report – December 2014

e. Police/Communications Report – December 2014

f. Beautification Commission Minutes – No Meeting Held

g. Library Minutes – December 2, 2014

h. Budget vs. Actual – None Received

**VIII. Board Member Announcements/Comments:**

Councilman Hunter stated there was an article recently in the newspaper that announced the State has found \$5 billion. He urged all residents to reach out to our State officials to request they allocate some of that money to pave Route 32. Councilmembers Arone, Palermo and Prestia welcomed Supervisor Caruso to the Board. Councilwoman Prestia also acknowledged the work of the Highway and Buildings/Grounds Department during the recent winter weather events.

**IX. Public Comment:**

Town Clerk Potvin announced that there will be a pancake breakfast fundraiser at the Village Hall/HM Firehouse on February 1, 2015, 8AM-Noon, for the John P Burke Memorial Fund.

Superintendent Weyant and Lieutenant Abbott, on behalf of their departments, welcomed Supervisor Caruso and noted they look forward to working with him.

Donald Siebold asked for clarification for the difference between a worksession and board meeting. Attorney McKay noted that all meetings, worksessions included, are board meetings. In a general sense most communities have different procedures that are for each type, the distinguishing characteristic of which is usually the formality of the meetings. Minutes are recorded at both. Mr. Siebold asked if the meetings held on a Monday night would be recorded and Supervisor Caruso stated they have not been in the past but the Board would need to make that decision.

Linda Siebold stated she has an issue with the harvesting on the Town property formerly owned by Gasho. She lives adjacent to the area and feels there are some valuable trees on the property. She suggested the Board speak to an arborist or perhaps the Cornell Cooperative Extension.

Jonathan Swiller congratulated Supervisor Caruso on his election and added he looks forward to him working for the entire town. He noted that he hopes Councilwoman Prestia will work as an independent voice representing all of Woodbury.

Fred Ungerer, Chairman of the Parks Commission, asked for clarification on the harvesting proposed on the Town property. He noted that Councilman Palermo appeared before the Parks Commission regarding the issue and at the time it was suggested that some trees at Peckhams Pond and Earls Reservoir be addressed as well. He was told it could be included in the proposal when it is redone.

**X. Adjournment:**

With no further business to discuss or comments received, a motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to adjourn the meeting at 9PM.

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

Desiree Potvin, Town Clerk

## LOCAL LAW NO 1 OF 2015

A LOCAL LAW AMENDING CHAPTER 85 OF THE TOWN CODE, ENTITLED "ANIMALS" BY DELETING CHAPTER 85 ARTICLE II § 85.4 CONCERNING LICENSES AND FEES, AMENDING CHAPTER 85 ARTICLE II § 85.6(A) CONCERNING A DEFINITION CHANGE AND AMENDING CHAPTER 85 ARTICLE VI 85.22(B) & (B)(1) REGARDING PENALTIES

Be it enacted by the Town Board of the Town of Woodbury as follows:

### **Section 1**      **Title**

This local law shall be referred to as "A LOCAL LAW AMENDING CHAPTER 85 OF THE TOWN CODE, ENTITLED "ANIMALS" BY DELETING CHAPTER 85 ARTICLE II § 85.4 CONCERNING LICENSES AND FEES, AMENDING CHAPTER 85 ARTICLE II § 85.6(A) CONCERNING A DEFINITION CHANGE AND AMENDING CHAPTER 85 ARTICLE II 85.22(B) & (B)(1) REGARDING PENALTIES."

### **Section 2**      **Purpose and Legislative Intent**

The Town Board has been made aware that certain inconsistencies exist within Chapter 85 of the Town Code with regard to licensing requirements for dogs and certain definitions and the penalties imposed for the failure to license dogs. This local law is enacted to promote the public health, safety and welfare by setting a uniform standard for such licensing requirements and fees.

**Section 3**      Chapter 85 of the Town Code is amended by deleting Article II § 85-4 in its entirety.

**Section 4**      Chapter 85 of the Town Code is further amended by deleting the words "Dog Warden" from the first sentence of Chapter 85 Article II § 85-6(A) and replacing the words with the words "Animal Control Officer".

**Section 5**      Chapter 85 of the Town Code is further amended by deleting the figure of "\$25" contained in the first sentence of Chapter 85 Article VI § 85-22(B) and replacing it with the figure of "\$50.00" and deleting the figure of "\$50" contained in the first sentence of Chapter 85 Article VI § 85-22(B)(1) and replacing it with the figure of "75.00".

### **Section 6**      **Authority**

This local law is enacted pursuant to Chapter 85 Article VI § 85-17 of the Town Law and the Municipal Home Rule Law. This local law shall supersede any special law to the extent it is inconsistent with the same and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute. This local law shall supersede any inconsistent Town local law.

### **Section 7**      **Rules and Regulations**

The Town Board is authorized to adopt rules and regulations, by resolution, to further implement the provisions of this local law.

### **Section 8**      **Severability**

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Town Board of the Town of Woodbury

hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 9      Repeal**

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

**Section 10      Effective Date**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.