

Minutes of the Town Board Meeting held at Town Hall on January 21, 2016 at 7:30PM

Present: David Sutz, Supervisor
Timothy Arone, Michael Essig, Robert Hunter and Frank Palermo, Councilmen
Absent: None
Also Present: Arthur Abbott, Police Lieutenant; Dorothy Morris, Library Board; Tracy Maggio, Clerk to the Supervisor; Maria Hunter, Village Planning Board

I. Public Hearing:

a. Introductory Local Law 1 of 2016 – Repealing Tax Cap Override:

A public hearing was held to entertain public comments on Introductory Local Law 1 of 2016 to repeal Local Law 4 of 2015 which was entitled “Tax Cap Override”. The public notice was printed in the Times Herald Record on January 14, 2016 and the following comments were received:

Supervisor Sutz stated one of the criteria imposed by the NYS to enable residents to be eligible for their proposed tax credit is for the Town to be below the tax cap for FY2016. Since the budget did come in lower than the cap, the Board needs to rescind the previously adopted law.

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

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

Motion was then offered by Councilman Essig, seconded by Councilman Palermo, to adopt the following resolution adopting Local Law 1 of 2016:

WHEREAS, the Town Board has identified the need to repeal Local Law No. 4 of 2015, in order to comply with the requirements of New York State’s General Municipal Law section 3-D, so that certain taxpayers may be eligible for the real property tax freeze credit authorized by subsection (BBB) of section six hundred six of the tax law for the fiscal year starting in 2015; and

WHEREAS, the Town Board hereby designates 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 classifies this action as an unlisted action under SEQRA, and a public hearing was held by the Town Board in order to receive comments and suggestions regarding the adoption of the proposed local law repealing Local Law #4 of 2015, and to consider the possible adverse environmental impacts of the proposed local law pursuant to SEQRA, on January 21, 2016 at 7:30PM at the Town Hall, located at 511 Route 32, Highland Mills, New York.

NOW, THEREFORE, IT IS HEREBY

RESOLVED, by the Town Board of the Town of Woodbury, that the proposed local law to repeal Local Law #5 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 2016, entitled "A LOCAL LAW REPEALING LOCAL LAW #4 OF 2015, entitled a "LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-c", 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 Sutz	YES
Councilman Arone	YES
Councilman Essig	YES

Councilman Hunter YES
Councilman Palermo YES

A copy of the local law is printed on page 13-14 of this minute book.

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Arone, seconded by Councilman Essig, to accept the minutes of the regular meeting held January 7, 2016.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
NOES 0

b. Approval of Budget Modifications:

Motion was offered by Councilman Hunter, seconded by Councilman Essig, to approve a modification to the 2015 budget of the Assessor's Department totaling \$1300 by decreasing A1355.100 (Personal Services) by \$1250, A1355.430 (Transportation/Travel) by \$50 and increasing A1355.463 (Consultants) by \$1250, A1355.200 (Equipment) by \$50.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
NOES 0

Motion was then offered by Councilman Arone, seconded by Councilman Essig, to approve a modification the 2015 budget of the General Fund totaling \$897 by decreasing A1355.100 (Assessor Personal Services) by \$335, A7110.100 (Parks Personal Services) by \$410, A7620.100 (Adult Rec. Personal Services) by \$152 and increasing A1355.101 (Assessor Compensated Absences) by \$335, A7110.101 (Parks Compensated Absences) by \$410, A7620.101 (Adult Rec. Compensated Absences) by \$152.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
NOES 0

Motion was then offered by Councilman Arone, seconded by Councilman Hunter, to approve a modification to the Beautification Committee budget totaling \$10,000 by reallocating unexpended funds from 2015 into 2016 by increasing A599 (Appropriated Fund Balance) by \$10,000 and increasing A8510.431 (Holiday Decorations) by \$4000, A8510.445 (Beatification Lease) by \$6000.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
NOES 0

c. Approval of Abstract:

Motion was offered by Councilman Hunter, seconded by Councilman Palermo, to approve Abstract 2 containing vouchers 20160029 – 20160109 and totaling \$213,193.13.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
NOES 0

d. Announce Completion of 2015 Annual Accounting:

Supervisor Sutz announced that the Annual Accounting of the 2015 records, as required pursuant to Section 62 of Town Law, was completed January 19, 2016. He acknowledged Councilmen Essig and Hunter for the time they committed during the process. It was noted that all departments were prepared and their records were exemplary.

III. Old Business: *There was no old business to discuss.*

IV. New Business:

- a. Authorize Supervisor to Sign – IMA with MWCSO and Village of Woodbury:
This item will be tabled until a future meeting.

V. Department Reports:

- a. Supervisor’s Report – December 2015

Motion was offered by Councilman Palermo, seconded by Councilman Essig, to approve the Supervisor’s Report for December 2015 with receipts totaling \$368,868.51 and disbursements totaling \$1,836,302.62.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

- b. Town Clerk’s Report – December 2015
- c. Parks/Recreation Minutes – None Received
- d. Animal/Goose Control Report – December 2015
- e. Police/Communications Report – December 2015
- f. Beautification Committee Minutes – January 14, 2016
- g. Library Minutes – None Received
- h. Budget vs. Actual – Not Received

VI. Board Member Comments:

Lt. Abbott reminded everyone that there is no parking on any road in Woodbury during inclement weather for the safety of everyone including the highway department and residents.

Maria Hunter thanked Supervisor Sutz and Councilman Arone for attending the Village of Woodbury Planning Boarding meeting last night.

The Board collectively welcomed Councilman Essig to the board and wished him the best of luck.

Councilman Essig thanked the Board and also went onto thank the residents for allowing him to serve them.

Supervisor Sutz gave an update to the public on some issues that he and the Board have been addressing during the month of January. These are some of the things they have begun accomplishing: repairs to Town Hall; joining with the Village Board and using one special council for some litigation therefore cutting attorney bills in half; sending a letter to the Governor regarding school taxes; meeting with the Orange County Partnership about commercial properties south of the thruway interchange; setting up a committee (Town of Woodbury Councilman Hunter, Village of Woodbury Trustee Flood, and Town/Village of Woodbury Clerk Potvin)to look into a site for a municipal building ; and beginning to address the issue of hotel/motel tax with County Legislators.

VII. Public Comment: None

VIII. Adjournment:

With no further business to discuss or comments received, a motion was offered by Councilman Palermo, seconded by Councilman Essig, to adjourn the meeting at 7:46 PM.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo
 NOES 0

Frances Huang, Deputy Town Clerk

LOCAL LAW NO 1 OF 2016

A LOCAL LAW REPEALING LOCAL LAW 4 of 2015 ENTITLED, "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C", PREVIOUSLY ADOPTED ON OCTOBER 15, 2015.

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 REPEALING LOCAL LAW NO 4 OF 2015," entitled "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED BY GML § 3-c".

Section 2. Purpose and Legislative Intent

In 2013, the New York State Legislature amended the General Municipal Law by adding new section 3-D, which sets forth the eligibility requirements for the real property "tax freeze" authorized by subsection BBB of section six hundred six of the Tax Law, for the fiscal year starting 2015.

Pursuant to section 3-D, upon the adoption of the budget by a local government unit, the Chief Executive Officer or Budget Officer of the local government wishing to render its taxpayers eligible for the real property tax freeze credit must: (i) certify that the budget adopted for the tax year in question does not exceed the tax levy limit; or (ii) if the governing body of the local government unit has enacted a local law or approved a resolution allowing the government unit to override the tax levy limit for the year in question, certify that such local law was subsequently repealed.

Therefore in order to comply with the requirements of section 3-D, Local Law No 4 of 2015, which was adopted on October 15, 2015 authorizing the Town of Woodbury to override the tax levy limit for 2016, is hereby repealed in its entirety.

Section 3. Authority

This Local Law is enacted pursuant to Municipal Home Rule Law §10. 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 local law.

Section 4. 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 5. 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 6. Repeal

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

Section 7. **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.