

Minutes of the Town Board Meeting held at Town Hall on December 7, 2017 at 7:30PM

Present: David Sutz, Supervisor  
Timothy Arone, Michael Essig, Robert Hunter and Frank Palermo, Councilmen  
Absent: None  
Also Present: Joseph McKay, Attorney for the Town; Kevin Watson, Police Chief; Joseph Gianzero, Parks Director; Tracy Maggio, Confidential Secretary to the Supervisor; Timothy Egan, Village Trustee; Sandra Capriglione and Maria Hunter, Village Planning Board; Jacqueline Hernandez, Councilwoman-Elect

**I. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to accept receipt of the minutes of the meeting held November 16, 2017.

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

b. Approval of Budget Modification(s):

Motion was offered by Councilman Essig, seconded by Councilman Hunter, to approve a modification to the budget of the Assessor's Office by decreasing A1355.400 (Contractual) by \$700, A1355.430 (Transportation & Travel) by \$500 and increasing A1355.444 (Schools & Dues) by \$1100, A1355.412 (Service Contracts) by \$100.

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

Motion was then offered by Councilman Hunter, seconded by Councilman Essig, to approve a modification to the budget of the Animal Control by decreasing A3510.200 (Equipment) by \$1385 and increasing A3510.463 (Gas/Oil/Repairs) by \$1385.

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

c. Approval of Abstract:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to approve Abstract 21 containing vouchers 20172000 - 20172171 and totaling \$254,865.91.

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

d. Employee Request to be Paid - Unused Vacation Leave:

Councilman Essig stated he does not understand why the Department Heads are not allowing time in the scheduling for these individuals to use their earned leave time. The Board discussed this issue and some had no issue with it. Councilman Essig stated he feels it should be addressed when the union contract is negotiated next. Motion was then offered by Councilman Hunter, seconded by Councilman Arone, to approve the "selling back" of unused vacation leave time to the following UPSEU employees, as permitted in Article 16, Section 2, Paragraph E of their contract: Alice Confield - Ten Days; Robert Blair - Ten Days; Maxine Saracino - Five Days, 1/2 hour.

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

e. Adoption of 2018 Non-Union Employee Holiday Calendar:

Motion was offered by Councilman Essig, seconded by Councilman Palermo, to approve the following 2018 holiday schedule for non-union employees: January 1 (New Year's Day), January 15 (Martin Luther King, Jr. Day), February 19 (President's Day), May 28 (Memorial Day), July 4 (Independence Day), September 3 (Labor Day), October 8 (Columbus Day), November 12 (Veteran's Day Observed), November 22 (Thanksgiving Day), November 23 (Day After Thanksgiving), December 25 (Christmas Day), Floating Holiday and Birthday.

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

f. Appointment of Part-Time Deputy Town Clerk:

Motion was offered by Councilman Arone seconded by Councilman Essig, to acknowledge the appointment of Tracy Maggio as Part-Time Deputy Town Clerk, as made by Town Clerk Potvin, effective January 1, 2018. As a non-union employee she will be paid a rate of \$20.60 per hour.

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

**II. Old Business:**

a. Proposal - Audit of FY2016 Accounting Records:

As requested at the October 5 meeting, a proposal has been received to have an audit of the 2016 financial records conducted. RBT has provided their proposal at an estimated fee to be between \$9000 and \$11,000. After further discussion by the Board, a motion was offered by Councilman Hunter, seconded by Councilman Palermo, to authorize the Supervisor to sign the commitment letter with RBT for an audit to be conducted of the 2016 financial records of the Town.

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

**III. New Business:**

a. Discussion - Workers Compensation Insurance Proposals:

The Town's insurance agent, Robert Stubbs with Marshall & Sterling, obtained three estimated quotes for the Board to entertain regarding workers compensation insurance coverage (estimated as workers compensation coverage is based on actually payroll data). They are as follows:

PERMA, Latham, NY	\$111,781
Comp Alliance, Uniondale, NY	\$110,679
NYSIF, Clifton Park, NY	\$150,364

After discussion by the Board, it was agreed to table the issue to give Councilman Arone time to consult with the insurance agent regarding the companies that submitted proposals. Motion was offered by Councilman Essig, seconded by Councilman Palermo, to table this issue to the December 21 meeting.

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

b. Discussion - Software for Parks Department:

A proposal was received for a new software program for the Parks Department. The proposal is from PCOX Information Technology for Filemaker Pro Database Services. The proposal is for an hourly rate of \$140. After discussion by the Board, a motion was offered by Councilman Palermo, seconded by Councilman Essig, to approve this proposal to not exceed \$10,000, pending the Parks Commission's approval.

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

c. Schedule Public Hearing - Cold War Veteran Exemption Extension:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to adopt the following resolution setting a time and place for a public hearing to amend Chapter 277 of the Town Code entitled "Taxation" to eliminate a ten-year limitation on the cold war veterans real property tax exemption:

**WHEREAS**, In October 2017, New York State enacted legislation to authorize local governments that have adopted a local law to grant Cold War Veterans exemption for a ten-year period to extend the Cold War Veteran exemption to qualifying owners of qualifying real property for as long as they remain qualifying owners; and

**WHEREAS**, the Town Board wishes to amend Chapter 277 of the Town Code to eliminate the 10 year limitation on property tax exemptions for Cold War Veterans; and

**WHEREAS**, the Town Board wishes to set a time and place for a public hearing to consider the proposed local law amending Chapter 277 of the Town Code with respect to the Cold War Veterans Exemption;

**NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, that the Town Board hereby determines that it will be the lead agency with respect to the review of the proposed local law amendment (the "project") in accord with 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 let it be further

**RESOLVED**, that the Town Board hereby preliminary classifies the action as an Unlisted action under SEQRA; and let it be further

**RESOLVED**, that a public hearing be held by the Town Board in order to receive comments and suggestions regarding the proposed amendment to Chapter 277 of the Town Code and to hear comments concerning any potential adverse environmental impacts of the proposed local law on December 21, 2017 at 7:30 p.m. at the Town Hall located at 511 Route 32, Highland Mills, New York; and it is further

**RESOLVED**, that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law, and to make such referrals of the proposed local law to the Orange County Department of Planning and such other agencies as may be required.

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

EXTRA ITEM - Resolution for Lawsuit Settlement:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to adopt the following resolution authorizing the law firm of Catania, Mahon, Milligram & Rider, PLLC to discontinue the pending action commenced by the Village of Kiryas Joel against the Town of Woodbury concerning the comprehensive plan and zoning amendments and to execute any necessary documents pursuant to the stipulation of discontinuance:

**WHEREAS**, on or about October 14, 2011 an action was commenced against the Town of Woodbury, New York by the Village of Kiryas Joel, New York, et al. (Petitioners-Plaintiffs) by the filing of a Verified Petition and Complaint, in the Supreme Court of the State of New York, Orange County seeking an order of the Court declaring the adoption of the Village of Woodbury Comprehensive Plan and enactment of certain zoning law amendments void, unlawful, arbitrary and capricious (the "Action"); and

**WHEREAS**, the parties litigated the Action in Supreme Court and an appeal to the Appellate Division, Second Department; and

**WHEREAS**, after a successful appeal, the Appellate Division remanded the matter back to the Supreme Court for discovery and subsequent trial; and

**WHEREAS**, Petitioners-Plaintiffs, Kiryas Joel, through their attorneys are willing to discontinue the Action with prejudice; and

**WHEREAS**, the Town Board of the Town of Woodbury has discussed and considered the issues related to discontinuing this action; and

**WHEREAS**, the Town Board of the Town of Woodbury finds that it is in the best interest of the Town of Woodbury to settle this matter;

**NOW, THEREFORE, BE IT HEREBY**

**RESOLVED**, that the Town's attorneys Catania, Mahon, Milligram and Rider, PLLC and Joseph G. McKay, Esq., a member of the firm, shall have the authority to discontinue the matter described herein on behalf of the Town of Woodbury and the Board directs the Town's attorneys and Joseph G. McKay, Esq. to execute the stipulation of discontinuance with prejudice and any other necessary settlement documents on behalf of the Town of Woodbury.

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

**IV. Public Comment:**

Timothy Egan stated he has reviewed the software proposal for the Parks Department and feels that it is good but cautioned the Board about having an "open-end" agreement.

Joseph Gianzero announced the Parks Department will be holding their annual holiday party on December 16, 4PM-6PM at the St. Patrick Church's gymnasium.

Maria Hunter noted the NYSDOT will be holding an informational meeting on December 14 at the CV Elementary School, 7PM-8:30PM, to explain the changes to the reconfiguration of the Route 32/6/17/Exit 131 corridor.

**V. Board Member Comment:**

Councilman Hunter noted Channel 22 is not working properly.

Supervisor Sutz wished all a Happy Hanukkah and thanked the Beautification Commission for the work they did decorating the Town this holiday season.

**8:10PM. Executive Session (if necessary):**

Motion was offered by Councilman Essig, seconded by Councilman Arone, to enter into an executive session to discuss an employee matter. The specific section of Section 105(i) of the Public Officer's Law was not stated.

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

*Councilwoman-Elect Hernandez and Chief Watson attended the executive session*

**VII. Adjournment:**

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

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

Desiree Potvin, Town Clerk