

Minutes of the Town Board Meeting held at Town Hall on January 5, 2017 at 7:30PM

Present: David Sutz, Supervisor  
Timothy Arone, Michael Essig, Robert Hunter and Frank Palermo, Councilmen  
Absent: None  
Also Present: Al Fusco, Town Engineer, John Smith, Parks Commissioner, Tracy Maggio, Clerk to the Supervisor; Maria Hunter, Village Planning Board

**I. 2017 Reorganization Meeting:**

Appointment of Deputy Town Supervisor:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to appoint Frank Palermo as Deputy Town Supervisor.

**ADOPTED** AYES 4 Sutz, Arone, Essig, Hunter  
ABSTAIN 1 Palermo

Meetings/Official Newspaper/Mileage & Food Reimbursement:

Motion was offered by Councilman Palermo, seconded by Trustee Egan, to hold regular meetings of the Town Board 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 Worksession the Monday preceding each Town Board meeting at 7:30PM, if necessary.

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

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

- 1) That the Middletown Times Herald Record be designated as the official newspaper for the Town of Woodbury.
- 2) That members of the Town Government and employees, when on official business or duty for the Town, shall be paid at the rate of \$0.535 per mile for the use of their car (rate includes gas and wear/tear of vehicle).
- 3) The maximum food allowance per day when employees attend a conference is \$75.00, with no alcoholic beverage reimbursement.

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

Motion was then offered by Councilman Palermo, seconded by Councilman Essig, to schedule a Police Commissioners meeting to be held the third Monday of each month, as needed.

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

Investment Policy:

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

The objectives of the Investment Policy of the Town of Woodbury are to minimize risk, to insure that investments mature when cash is required, and to insure a competitive rate of return. In accordance with this policy, the Supervisor is authorized to invest Town funds which are in excess of current operating needs. Town investments are governed by applicable New York State Laws.

The Supervisor is authorized to make the following types of investments, for the present, until other types of investments are submitted to the Town Board:

- a. Direct purchase of guaranteed obligations of the United States Government or obligations of the State of New York and its political subdivisions.

- b. Direct purchase of Certificates of Deposit from the designated depositories of the Town. Such Certificates of Deposit are to be collateralized by obligations enumerated in Section "a" above.
- c. Direct purchase through Repurchase Agreements of guaranteed obligations of the United States Government. Such Repurchase Agreements should be executed either through the designated depositories of the Town or those brokerage firms which are primary United States Government dealers which report to the Federal Reserve Bank of New York.
- d. Time Deposit Accounts are designated depositories of the Town. Such accounts are to be collateralized by the Federal Deposit Insurance Corporation or by obligations enumerated in Section "a" above.

The Supervisor shall deposit all monies received and said monies shall be released together with the related sureties from any liabilities for loss of such monies by reason of the default or insolvency of any such depository.

The following banks are to be designated as official banks for the Town:

- Sterling National Bank, Monroe, NY 10950
- Bank of America, Cornwall, NY 12518
- OC Trust Company, Vails Gate, NY 12584
- TD Bank, Monroe, NY 10950

The Supervisor shall be authorized to invest funds of the Town in these banks during the 2017 Fiscal Year under the following guidelines:

- a. All accounts shall be collateralized at 105% and said collateralization shall be held by a third party bank.
- b. Collateralization shall be in accordance with the Comptroller's guidelines.
- c. All designated banks will be contacted for competitive rates on an ongoing basis.

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

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Appointments:

Motion was then offered by Councilman Palermo, seconded by Councilman Essig, to make the following appointments:

- Thomas Burke to the Parks and Recreation Commission with a term due to expire 12/31/2023
- Dorothy Morris and Patricia Conques to the Library Board with a term due to expire 12/31/2021
- Karin Poggio to the Board of Assessment Review with a term due to expire 9/30/2021
- Diane Marrone to the Beautification Commission with a term due to expire 12/31/2023

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

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Consultants:

Motion was then offered by Councilman Palermo, seconded by Councilman Arone, to designate Joseph McKay with the law firm Catania, Mahon, Milligram & Rider, PLLC, as general legal counsel.

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

Motion was then offered by Councilman Arone, seconded by Councilman Hunter, to designate Feerick, Lynch and MacCartney as special counsel for the Town to work on the following two lawsuits: DEC/Mountainville Wells and Kiryas Joel Annexation.

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

NOES 0

Motion was offered Councilman Palermo, seconded by Councilman Arone, to designate Fusco Engineering as Engineers for the Town.

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

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve the 2017 salaries for non-union employees and elected officials as was approved and adopted at the 2017 Budget Public Hearing, which was held on October 20, 2016 and to make the following committee assignments:

Committee Assignments:

Woodbury Day Liaison	Councilman Hunter	
Cable Franchise	Councilman Arone	Councilman Hunter
Fiscal Advisory	Supervisor Sutz	Councilman Palermo
Library Liaison	Councilman Palermo	
Police Department	Councilman Arone	Councilman Essig
Municipal Building	Councilman Hunter	Supervisor Sutz
Insurance	Councilman Arone	
Business Improv. District	Supervisor Sutz	Councilman Arone
Refuse	Councilman Palermo	Councilman Essig
Parks Department	Councilman Hunter	Councilman Palermo
Employee Relations	Councilman Palermo	Councilman Essig
Pre-Disaster/Mitigation Planning	Supervisor Sutz	
Village Liaison	Councilman Arone	

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

Procurement Policy:

Motion was then offered by Councilman Arone, seconded by Councilman Arone, to adopt the procurement policy as follows:

**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:

- Police Kevin Watson
- Parks Joseph Gianzero, Frances Jack

Buildings/Grounds	Robert Blair, Robert Beckley
Library	Catherine Imburgia
Court	Alice Confield, Carol Garen
Assessor's Office	Laura Breslin
Town Clerk's Office	Desiree Potvin, Frances Huang
Tax Collector's Office	Carol Herb
Supervisor's Office	David Sutz, Tracy Maggio, Laura Morrissey

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

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Official Undertaking:

Motion was offered by Councilman Essig, seconded by Councilman Hunter, to approve the below form (in italics) of the 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. This undertaking will be administered to all elected officials upon the start of their elected term that handle funds on behalf of the Town of Woodbury:

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

**WHEREAS**, \_\_\_\_\_, of the Town of Woodbury, County of Orange, New York, has been elected to the office of \_\_\_\_\_ in the Town of Woodbury; and

**NOW THEREFORE**, he/she as respective officer above, do hereby undertake with the Town of Woodbury that he/she will faithfully perform and discharge the duties of the 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            Sutz, Arone, Essig, Hunter, Palermo  
                      NOES    0

**II. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to accept the minutes of the regular meeting held December 15, 2016.

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

Motion was then offered by Councilman Arone, seconded by Councilman Palermo, to accept the minutes of the special meeting held December 29, 2016.

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

b. Approval of Budget Modification:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve a modification to the 2016 budget of the Registrar by increasing A1603 (Vital Statistic Fees) by \$560, decreasing A4020.400 (Registrar of Vital Statistics) by \$200 and increasing A4020.100 (Registrar Personal Service) by \$760.

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

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve a modification to the 2016 budget of the Woodbury Common BID by decreasing SMB9015.800 (Retirement) by \$8693 and increasing SMB3120.403 (Policing - Other Agencies) by \$8693.

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

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve a modification to the 2016 budget of the Woodbury Common BID by increasing SMB599 (Appropriated Fund Balance) by \$1400 and increasing SMB3120.200 (Equipment) by \$1400.

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

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve a modification to the 2016 budget of the General Fund by increasing A2401 (Interest & Earnings) by \$939 and increasing A1440.400 (Engineer/Consulting) by \$939.

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

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve a modification to the 2016 budget of the Justice Court by decreasing A1110.101 (Compensated Absences) by \$1100, A1110.411 (Office Supplies & Equipment) by \$814, A1110.430 (Transportation & Travel) by \$68, A1110.463 (Computer Maintenance) by \$300, A1110.464 (Service Contracts) by \$278 and increasing A1110.448 (Miscellaneous) by \$2560.

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

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve a modification to the 2016 budget of the Supervisor's Office by decreasing A1320.400 (Auditor) by \$18,250 and increasing A1220.100 (Personal Services) by \$17,750, A1220.445 (Meetings) by \$500.

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

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve a modification to the 2016 budget of the Animal Control by decreasing A3510.403 (Heating Oil/Gas) by \$515 and increasing A3510.200 (Equipment) by \$515.

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

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve a modification to the 2016 budget of the Buildings/Grounds Department by decreasing A1620.403 (Heating Oil/Gas) by \$3857 and increasing A1620.405 (Custodial) by \$214, A1620.416 (Uniforms) by \$61, A1620.421 (CV Pool) by \$537, A1620.428 (HVAC) by \$300, A1620.452 (Vehicle Maintenance) by \$645, A1620.462 (Repairs/Materials) by \$2100.

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

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve a modification to the 2016 budget of the Woodbury Common BID by increasing SMB599 (Appropriated Fund Balance) by \$8000 and increasing SMB3120.200 (Equipment) by \$8000.

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

c. Approval of Abstract:

Motion was offered by Councilman Essig, seconded by Councilman Arone, to approve Abstract 1 containing vouchers 20170001- 20170044 and totaling \$80,352.90.

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

d. Acceptance of Resignation - PT Police Officer:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to accept the resignation of Nelson Izquierdo from the position of part-time Police Officer effective January 13, 2017.

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

e. Acceptance of Resignation - FT Assessor Clerk:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to accept the resignation of Katelyn McDonnell from the position of full-time Assessor's Clerk effective December 30, 2016.

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

f. Elimination of Position - PT Clerk in Supervisor Office:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to eliminate the position of part-time clerk in the Supervisor Office effective January 1, 2017.

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

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

**IV. New Business:** *There was no new business to discuss.*

**V. Public Comment:**

John Smith asked if the Police Commissioners meetings will be open to the public and what the format will be. Councilman Palermo stated the purpose for the meetings will be to meet with the Police Chief and discuss various police issues. Most of the topics will be personnel issues, which will be discussed in an executive session. Mr. Smith asked if a resident has an issue with an Officer could they attend the meeting to discuss it and Councilman Palermo stated the proper way would be to contact the

Supervisor's Office or speak directly to the Police Chief. Supervisor Sutz added the Police Chief will be attending one board meeting each month to give an update to the community.

**VI. Board Member Comment:**

The Board collectively wished all a happy new year.

Councilman Essig announced January 9 is Law Enforcement Appreciation Day.

Supervisor Sutz noted some highlights of what the Town Board accomplished in 2016. He will have the list printed on the website. He noted that tax bills have been sent out and there is a reduction that will be noticed on town taxes this year. He then announced correspondence was received from Comp Alliance containing the results of our "Workers' Compensation Underwriting Survey". The results of the survey showed that there were no recommendations made.

**VII. Adjournment:**

With no further business to discuss or comments received, a motion was offered by Councilman Essig, seconded by Councilman Arone, to adjourn the meeting at 7:45PM.

|                |      |   |                                     |
|----------------|------|---|-------------------------------------|
| <b>ADOPTED</b> | AYES | 5 | Sutz, Arone, Essig, Hunter, Palermo |
|                | NOES | 0 |                                     |

Desiree Potvin, Town Clerk