

Minutes of the Town Board Meeting held at Town Hall on January 5, 2012 at 7:30PM

Present: John Burke, Supervisor
Timothy Arone, Frank Palermo, Marilyn Prestia and James Skoufis, Councilmen
Absent: None
Also Present: Robert Weyant, Highway Superintendent; Robert Kwiatkowski, Police Chief; Jennifer Bradshaw, Library Director; Maria Hunter, Village Planning Board

I. Administration of Oath of Office:

The Oath of Office was administered by Town Clerk Potvin to John Burke as Town Supervisor, Timothy Arone and Marilyn Prestia as Councilperson and Robert Weyant as Highway Superintendent.

II. Re-Organization Meeting:

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to appoint Desiree Potvin as Deputy Supervisor.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
 NOES 0

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Motion was offered by Councilman Palermo, seconded by Councilman Skoufis, 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 worksession the Monday preceding each Town Board meeting at 7:30PM, if necessary<sup>1</sup>.
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 \$0.555 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 \$50.00.
5. That the Town of Woodbury Investment Policy be approved as follows:  
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

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<sup>1</sup> Councilman Skoufis stated he felt that having four meetings a month is excessive; noting that other municipalities in the County have only two or three meetings per month and each have more responsibilities. He would like to have Mondays removed and perhaps holding worksessions ½ hour prior to the start of the Thursday meetings. Councilman Arone stated he supports the consolidation of meetings. Councilwoman Prestia stated she would like to keep the meetings as is. Councilman Palermo stated he is against starting the Thursday meetings earlier since it is difficult for him to get to the meeting prior to 7:30PM. Supervisor Burke stated he feels that the Board is supposed to be available to the public and that 2012 will be a very busy year (noting that two union contracts will be negotiated). He stressed he has been involved in the government process since 1999 and believes the worksessions are a valuable venue for a member of the public to address the Board due to its informal setting. The Board agreed to hold worksession, as needed, on the Monday prior to a regular meeting and Supervisor Burke stated any item planned to be discussed at the worksession can be tabled to the regular meeting if requested by a Board member. Councilman Skoufis stated he agreed all meetings of the Board are for the public but felt that having all discussions televised would be a benefit to the public as well.

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<sup>2</sup>:

- Provident Bank, Highland Mills, NY 10930
- Bank of America, Cornwall, NY 12518
- OC Trust Company, Vails Gate, NY 12584

The Supervisor shall be authorized to invest funds of the Town in these banks during the 2012 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            Burke, Arone, Palermo, Prestia, Skoufis  
                   NOES    0

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Motion was then offered by Councilman Palermo, seconded by Councilwoman Prestia, to reappoint Dorothy Morris and Kenneth Bonnaffons to the Library Board with terms due to expire December 31, 2016.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
 NOES 0

It was noted that the Library Board, at their December 28 meeting, voted unanimously to vacate the seat held by Sigrid Barker due to lack of attendance at meetings for the past seven consecutive months. It was noted that several attempts were made to contact Mrs. Barker to determine if she was still interested in serving but no response was received. Therefore, a motion was offered by Supervisor Burke, seconded by Councilman Palermo, to appoint Ellie Pastel to the unexpired term of Sigrid Barker, which expires December 31, 2013.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
 NOES 0

² Councilman Skoufis stated he would like to have TD Bank contacted to be added to the list of designated banking institutions since they are located in Town. It was noted that TD Bank was approached in the past but there was concerns about the fees that they charge.

Motion was then offered by Supervisor Burke, seconded by Councilman Arone, to reappoint Martha Nask to the Parks and Recreation Commission with a term due to expire December 31, 2018.

ADOPTED AYES 5 Burke, Arone, Palermo, Prestia, Skoufis
 NOES 0

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Motion was then offered by Councilman Palermo, seconded by Supervisor Burke, to designate Richard Liberth as Legal Counsel for the Town of Woodbury.

**ADOPTED**      AYES    5            Burke, Arone, Palermo, Prestia, Skoufis  
                     NOES    0

Motion was offered by Supervisor Burke to designate Dennis Lindsay as Interim Engineer for the Town of Woodbury. There was no second to this motion so the motion was defeated. A discussion was then held regarding the engineer position and a proposal that was received this morning from Fusco Engineering to be designated Town Engineer. Councilman Arone noted that the fee schedule for Fusco Engineering is 50% less than Riddick Associates. After discussion about existing projects that are being worked on, a motion was offered by Councilman Palermo, seconded by Councilman Skoufis, to appoint Fusco Engineering as interim engineer and to contract with Riddick Associates, at their 2011 rate, to finish existing projects that they are currently working on including, but not limited to, Park Avenue Improvements, FEMA applications and the Earl Reservoir Dam DEC application.

**ADOPTED**      AYES    5            Burke, Arone, Palermo, Prestia, Skoufis  
                     NOES    0

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Motion was then offered by Councilman Palermo, seconded by Councilwoman Prestia, approve the following appointments, committees, and salary schedules effective January 1, 2012:

Appointments:

Robert Kwiatkowski	Woodbury Common BID Committee
Leslie Rose	Town Historian
Lorelei Pitt	Budget Officer
Frances Huang	Clerk to the Supervisor
Sheila Beadle	Confidential Secretary to the Superintendent of Highways

Salary Schedules:

That the 2012 salaries for non-union employees and elected officials be as approved and adopted at the 2012 Budget Public Hearing, with the exception of the following non-union employees: Frances Huang, Michele Zwicker, Laura Breslin, Sheila Beadle and Jennifer Bradshaw. The Board decided to increase the salaries of these five individuals to be consistent with the salary increases the UPSEU union employee will receive. A budget modification will be prepared in the future to recognize this change, if determined to be necessary.

Town Board Assignments:

Media Relations	Burke, Skoufis
Woodbury Day Liaison(s)	Prestia
Cable Franchise	Palermo, Arone
Court House/Town Hall	Palermo, Prestia
Fiscal Advisory	Burke, Prestia
Environmental Conservation	Skoufis
Records Management Liaison	Burke
Woodbury Library Liaison	Palermo
M-W School Board Liaison	Prestia
Cornwall School Board Liaison	Prestia

Gatehouse Committee Liaison			Palermo
Police Department Liaison(s)			Burke, Palermo
Building & Highway			Burke, Palermo
Insurance			Burke, Arone
Senior Citizen Liaison			Skoufis
Beautification Commission Liaison			Arone
Business Improvement Dist. Committee			Burke, Arone
Refuse			Burke, Palermo
Parks Department Liaison(s)			Burke, Skoufis
Employee Relations			Skoufis, Palermo
Pre-Disaster/Mitigation Planning			Arone
Technology			Skoufis
Village Liaison(s)			Burke, Skoufis
ADOPTED	AYES	5	Burke, Arone, Palermo, Prestia, Skoufis
	NOES	0	

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Procurement Policy:

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to adopt the Procurement Policy of the Town of Woodbury 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

WHEREAS, comments have been solicited from those officers of the Town involved with procurement;

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 every Town official, board, department head or other personnel with the requisite purchasing authority

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 or purchase of multiple quantities of the same 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 but greater than \$2,500   | Two verbal quotes with documentation    |
| Less than \$2,500                            | Left to discretion of the Purchaser     |

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

|                                              |                                         |
|----------------------------------------------|-----------------------------------------|
| Less than \$35,000 but greater than \$12,500 | Three written quotes with documentation |
| Less than \$12,500 but greater than \$8,000  | Two written quotes with documentation   |
| Less than \$8,000 but greater than \$3,000   | Two verbal quotes with documentation    |
| Less than \$3,000                            | 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 that quotes 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;
- (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 \$2,500;
- (i) Public work/services for less than \$3,000.

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            Burke, Arone, Palermo, Prestia, Skoufis  
                  NOES    0

### III. Administrative Business:

#### a. Acceptance of Minutes:

Motion was offered by Councilman Skoufis, seconded by Councilman Palermo, to accept the minutes of the regular meeting held December 15, 2011.

**ADOPTED**    AYES    5            Burke, Arone, Palermo, Prestia, Skoufis  
                  NOES    0

Motion was then offered by Supervisor Burke, seconded by Councilman Palermo, to accept the minutes of the special meeting held December 29, 2011.

**ADOPTED**    AYES    5            Burke, Arone, Palermo, Prestia, Skoufis  
                  NOES    0

#### b. Approval of Abstract:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to approve Abstract 1 containing Vouchers 20120001 – 20120049 totaling \$40,954.35.

**ADOPTED**    AYES    5            Burke, Arone, Palermo, Prestia, Skoufis  
                  NOES    0

#### c. Designation of Voting Delegate:

Motion was offered by Councilman Palermo, seconded by Councilwoman Presita, 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 22, 2012, and to cast the vote of the Town, pursuant to Section 6 of Article III of the Constitution and By-Laws of said Association: Town Clerk Desiree Potvin, Delegate; Tax Collector Carol Herb, Alternate.

**ADOPTED** AYES 5 Burke, Arone, Palermo, Prestia, Skoufis  
NOES 0

d. Authorize to File – Town Engineer:

Motion was offered by Councilman Palermo, seconded by Councilman Skoufis, to authorize Fusco Engineering, as the Interim Engineer for the Town, and Riddick Associates, as contractual engineers for the Town, to file applications to all regulatory agencies, as required, on behalf of the Town of Woodbury for those projects authorized by the Town Board.

**ADOPTED** AYES 5 Burke, Arone, Palermo, Prestia, Skoufis  
NOES 0

e. Appointment of Full-Time Groundskeeper:

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to appoint William J McClennan as a full-time Groundskeeper at a Union Exhibit B Grade IB, Step IB (\$20.34 per hour) in the Buildings and Grounds Department effective January 3, 2012.

**ADOPTED** AYES 5 Burke, Arone, Palermo, Prestia, Skoufis  
NOES 0

Councilman Skoufis asked if there would be an ethical conflict with this appointment since there is a relation with the Water/Sewer Superintendent. It was noted that the Water/Sewer Superintendent is employed by a different municipality so there would be no ethical conflict with this appointment.

#### **IV. Old Business:**

EXTRA ITEM – Update on Garbage Collection Bins Proposed Local Law:

Councilman Palermo asked if any feedback from the judges has been received regarding the proposed local law to regulate the placements of garbage collection bins. Supervisor Burke stated the judges have declined to participate. Councilman Palermo then requested that the item be discussed at the next worksession.

#### **V. New Business:**

There was no new business to discuss.

#### **VI. Public Comments:**

Councilman Skoufis wished all a happy new year and welcomed the two new board members.

Councilman Arone wished all a happy new year and thanked the public for their support.

Councilman Palermo welcomed Superintendent Weyant to his position.

John DeJulia congratulated newly elected officials and wished all a happy new year. He then asked for a status update on the Morgan Court retention pond. Supervisor Burke stated that a lot of the debris and growth has been dug out and we are waiting for a final report from the engineer as well as the building inspector. The water is now draining properly but the Board has not signed off on the issue as of yet. Mr. DeJulia asked if the pipe that runs along Gregory Lane and Morgan Court will be cleared as well and Supervisor Burke stated the Town does not own the pipe so he feels that the homeowners will be responsible for clearing the pipe. Mr. DeJulia then invited the Board members to come to his property to see the pipe in question.

Jonathan Swiller asked if there was a status update on the repairs to County Route 105. Supervisor Burke stated the County held a bid opening, received 14 proposals and awarding the project to the low bidder. The low bidder then opted out of the project. There has been no activity on the site and he has not heard from the County but will contact them tomorrow. Mr. Swiller then asked for an update on the Kiryas Joel pipeline construction planned for County Route 44. Supervisor Burke stated there is no update as it is still in the courts. Councilman Skoufis stated he spoke with County Legislator Roxanne Donnery about this issue today and was told that the New York City DEP are still waiting for items from Kiryas Joel and have not signed off on the project yet. Mr. Swiller stressed his concerns about County Routes 105 and 44 being closed at the same time which would cause limited access to the west side of Town. Supervisor Burke stated he does not see that becoming an issue and believes that the County will move swiftly on the repairs to County Route 105.

Mike Grove stated more digging was done in the Morgan Court Retention Pond this afternoon which has made it deeper and flow better. He asked if ownership of the property has changed hands and Supervisor Burke stated he is not aware of it being sold as of yet. Mr. Grove spoke with the prospective owner (Wayne Corts) about the property and the plans that he has for it (plant trees, install berms 10-12' high with blue spruces on top of it) and he asked if these promises will be fulfilled. Supervisor Burke stated he cannot confirm this but believes that plans like that may need to be approved by the Village Planning Board, if not the building department.

John Smith commended the outgoing elected officials for their efforts to the town and service to the community. He then thanked Supervisor Burke for the excellent reasons given for keeping the four meeting per month. He feels that other Towns should have more meetings to give their public more opportunity to participate.

Library Director Bradshaw thanked the Beautification Commission for erecting winter decorations at the Highland Mills library. She then provided an update to the Board and public on what the Library has accomplished recently, (upgrading their catalog, doing renovations and adding an ancestry registration). She then thanked Sigrid Barker for her years of service to the Library Board and welcomed Ellie Pastel to the Library Board.

Maria Hunter welcomed the newly elected officials and thanked the outgoing officials for their service. With regards to the RFP for engineer, she suggests that the firm that is hired assigns a point person for contact to represent their company. She also suggested that the Board be cautious with Mr. Fusco's firm, noting some of his associations or possible conflicts of interest. Regarding Mr. Corts, she confirmed that he does own Fort Knox and that there is currently no application before the Planning Board for any landscaping or development of the property. She then thanked Director Bradshaw for her acknowledgment of the Beautification Commission and he son (who is a member of the Commission) for all his efforts erecting all the decorations in Town.

#### **VII. Adjournment:**

With no further business to discuss or comments received, a motion was offered by Councilman Palermo, seconded by Councilman Skoufis, to adjourn the meeting at 8:35PM.

**ADOPTED**      AYES    5            Burke, Arone, Palermo, Prestia, Skoufis  
                     NOES    0

Desiree Potvin, Town Clerk