

Minutes of Town Board Meeting held at Town Hall on May 17, 2012 at 7:30PM

Present: John Burke, Supervisor
Timothy Arone, Frank Palermo, Marilyn Prestia and James Skoufis, Councilperson
Absent: None
Also Present: Robert Weyant, Highway Superintendent; Arthur Abbott, Lieutenant; Joe McKay, Attorney for the Town; Stephen Welle, Village of Harriman Mayor, Bruce Chichester, Village of Harriman Trustee; Michael Queenan, Village of Woodbury Mayor

I. Public Hearing:

a. Amendment to Ethics Law:

A public hearing was held to entertain comments on an amendment to Chapter 39 the Town Code entitled "Ethics, Code of" that would eliminate the FICO score research on potential members of the Ethics Committee. The public notice was printed in the Times Herald Record on May 9, 2012 and no comments were received. Therefore, a motion was offered by Supervisor Burke, seconded by Councilwoman Prestia, to close the public hearing.

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

Motion was then offered by Councilman Skoufis, seconded by Councilman Arone, to adopt Local Law 1 of 2012 amending Chapter 39 of the Town Code entitled "Ethics, Code of" as printed at the end of these minutes.

ADOPTED BY ROLL CALL AS FOLLOWS:

Supervisor Burke	AYES
Councilman Arone	AYES
Councilman Palermo	AYES
Councilwoman Prestia	AYES
Councilman Skoufis	AYES

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilwoman Prestia, seconded by Councilman Skoufis, to accept the minutes of the regular meeting held May 3, 2012.

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 worksession held May 14, 2012.

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

b. Approval of Abstract:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve Abstract 11 containing Vouchers 20120998 – 20121094 and totaling \$231,493.63.

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

c. Approval of Budget Modification:

Motion was offered by Supervisor Burke, seconded by Councilman Arone, to approve a modification to the budget of the Town Clerk's Office by increasing A599 (Appropriated Fund Balance) by \$3380 and increasing A1410.101 (Compensate Absences) by \$3380.

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

Motion was then offered by Supervisor Burke, seconded by Councilwoman Prestia, to approve a modification the budget of the Town Clerk's Office by decreasing A1410.461 (Records Management) by \$300 and increasing A1410.463 (Computer Maintenance Contract) by \$300.

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

d. Acceptance of Bids – Bulk Chlorine:

Clerk Potvin stated a bid opening was held on May 4, 2012 at 11AM for the purchase of bulk chlorine for the 2012 season. The bid notice was printed in the Times Herald Record on April 22, 2012 and only one bid was received: Wechsler Pool & Supply, Thompsonville, NY, for \$1.88 per gallon delivered plus \$3.25 fuel surcharge per delivery and \$3.40 regulatory compliance charge per delivery. Motion was offered by Councilman Palermo, seconded by Supervisor Burke, to purchase the bulk chlorine for the 2012 season from Wechsler Pool & Supply at the costs noted above.

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

e. Advertise for Bids – No 2 Fuel Oil:

Motion was offered by Councilman Skoufis, seconded by Councilman Palermo, to authorize the Town Clerk to advertise for bids for the supply of No 2 Fuel Oil for the 2012/2013 season.

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

III. Old Business:

a. Completion of 2009 Financial Audit:

Supervisor Burke stated that in 2006 the Board began having the Town's financial records audited. It was noted that the audit of the 2009 financial records have been completed and is on file in the Town Clerk's Office.

b. Update – Electronic Collection Day:

Supervisor Burke stated the April 27-28 electronic collection event was once again a very successful one. Approximately 27,276 pounds of materials were collected which brings the total to date since this service began last year to 62,363 pounds. The next collection date is October 19-20, 2012. The company has turned over to the Town \$276.60 which was from the destruction of CPUs.

c. Eagle Scout Project:

Supervisor Burke stated Boy Scout Brian Buttner constructed six picnic tables for the parks for his Eagle Scout project. His work was recognized and it was noted that three tables will be at Earl Reservoir and the other three at the Central Valley Pool.

d. Adoption of Information Technology Policy:

Motion was offered by Councilman Palermo, seconded by Councilman Skoufis, to adopt the policy relating to information technology as printed at the end of these minutes.

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

NOES 0

e. Procurement Policy Amendment:

Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to adopt a revised procurement policy as printed at the end of these minutes.

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

IV. New Business:

a. Service Proposal –Financial Audit of 2010:

Supervisor Burke stated a proposal was received from Sedore & Company to conduct an audit of the 2010 financial records at a cost of \$21,100. Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to accept the proposal received from Sedore & Company for an audit of the 2010 financial records.

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

Councilman Arone asked what the cost was for the 2009 audit and Supervisor Burke stated it is basically the same. He noted that when the process was started (2006) a tremendous amount of research and set-up work needed to be done. Over the years the fee has slightly decreased since much of the back ground information the auditors already have from their work done on previous audits.

b. Waiver of Garage Sale Fee – Keller Williams:

Motion was offered by Councilwoman Prestia, seconded by Councilman Palermo, to waive the permit fee for Keller Williams to conduct a garage sale on June 2, 2012. All proceeds of the sale will be going to the Highland Mills United Methodist Church's food pantry.

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

V. Department Reports:

a. Supervisor's Report – April 2012

Motion was offered by Councilman Palermo, seconded by Councilwoman Prestia, to approve the April 2012 Supervisor's Report with receipts totaling \$448,623.17 and disbursements totaling \$1,057,055.25.

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

b. Town Clerk's Report – April 2012

c. False Alarm Report – March 2012

d. Parks/Recreation Minutes – May 15, 2012

e. Animal/Goose Control Report – April 2012

f. Police/Communications Report – April 2012

g. Beautification Commission Minutes – May 8, 2012

h. Library Minutes – April 24, 2012

i. Budget vs. Actual – December 2011, April 2012

VI. Public Comment:

Clerk Potvin noted that the Village of Woodbury General Election will be held on June 19, 2012 at the Highland Mills Firehouse from Noon until 9PM.

Superintendent Weyant stated he met with the Orange County DPW this week and was informed that County Route 105 is almost completed. There is minimal work that remains.

Lieutenant Abbott reminded the public that Memorial Day weekend is approaching and traffic delays are to be expected. There will be NYS Police presence the entire weekend. West Point graduation is also held this same weekend as well as the Memorial Day parade, which will have Route 32 closed on May 27 from 1PM – 3PM.

Councilwoman Prestia stated the Woodbury Firecracker Committee is looking for vendors for their street fair which will be held July 7, 2012.

8PM – Executive Session:

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to enter into an executive session pursuant to Article 7 of the Public Officers Law to discuss one item relating to the employment of a Police Chief.

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

Clerk Potvin and Attorney McKay attended the executive session and no minutes were recorded.

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to end the executive session at 8:40PM and return to open session.

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

Motion was then offered by Councilman Palermo, seconded by Councilman Arone, to enter into an executive session pursuant to Article 7 of the Public Officers Law to discuss two items relating to litigation: 1) the Kiryas Joel Pipeline and 2) the explanation of the Harriman Wastewater Treatment Plant.

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

Attorney McKay, Mayor Welle and Queenan and Trustee Chichester attended the executive session. There were no minutes recorded.

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to end the executive session, return to open session and adjourn the meeting at 10PM.

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

Desiree Potvin, Town Clerk

The Board held a closed session with Attorney McKay to obtain legal advice after adjournment.

Local Law 1 of 2012

**A LOCAL LAW AMENDING CHAPTER 39 OF THE CODE OF THE TOWN OF WOODBURY ENTITLED
“ETHICS, CODE OF”.**

BE IT ENACTED by the Town Board of the Town of Woodbury, Orange County, New York, as follows:

SECTION 1. Section 39-7(C) is amended as follows:

- C. A background check will be conducted by the Woodbury Police Department on all individuals applying for a position on the Ethics Committee to determine if they have ever been convicted of a crime (felony or misdemeanor).

SECTION 2.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 3. **Effective date.**

This local law shall take effect immediately upon filing with the Secretary of State in Albany.

Town of Woodbury

Information Technology Policy

Administration:

- The responsibilities of the Department Heads are:
 - 1) Ensure that password security measures are taken by all employees.
 - 2) Ensure that department e-mail accounts are adequately maintained.
 - 3) Ensure that all workstations have adequate anti-virus protection programs installed and run on a regular basis.
 - 4) Ensure that workstations are backed-up on a regular basis, at least quarterly.
 - 5) Maintain a secure copy of all user names and passwords for all applications/software for all employees.
 - 6) Report any violations of this procedure to the Town Supervisor.

Security:

- Employees shall create a Windows® log-in username and password for the purpose of preventing unauthorized access to accounts and files.
- All workstations shall be secured with a password-protected screensaver set to be activated after 20 minutes of idle activity OR log off when leaving workstation.
- All passwords should be changed when required by the agency or software provider. Each password should be unique.
- When an employee leaves employment, all shared passwords should be changed immediately.
- No employee, other than a Department Head, shall have an administrative account set-up for themselves.
- No non-employee, except authorized vendors, may use computer workstations.

Internet Access

- No employee is permitted to engage in any activity that is illegal under local, state or federal law while using Town of Woodbury computer resources.
- Only the Town Supervisor and the Town Clerk may initiate Town website change requests. Police Department controls their own message board.
- Use of chat rooms is prohibited.
- Instant messaging is only permitted between employees for work related business.
- No individual is permitted to connect to the Town's Internet access with their own personal electronic device without approval granted by the Department Head.

Electronic Mail (e-mail)/Messaging:

- All communication created, sent or received, is the property of the Town of Woodbury and, depending on its content, is considered public information.
- Employees may access their personal e-mail accounts at the discretion of their Department Head.
- Unauthorized e-mail activities include, but are not limited to, the following:
 - Sending junk or spam mail
 - Creating or forwarding chain letters
 - Any form of harassment
 - Forging of e-mail header information

Violation of Policy:

Any violation of this procedure will be discussed by the Town Board

Town of Woodbury – Procurement Policy

Adopted May 17, 2012

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 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	Robert Kwiatkowski, Arthur Abbott
Parks	Joseph Gianzero, Frances Jack
Buildings/Grounds	Robert Blair, Robert Beckley
Library	Jennifer Bradshaw, Martha LaVallee
Court	Alice Confield, Carol Garen
Assessor’s Office	Laura Breslin, Malverne Toll
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. In 2013 this amendment to GML 103 will sunset and the limits will return to \$10,000 for all purchases of supplies or equipment and \$20,000 for all public works contracts. When/If this occurs, then the limits listed below exceeding the former limits will be null and void.

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.

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