

Minutes of the Town Board Meeting held at Town Hall on September 18, 2014 at 7:30PM

Present: Frank Palermo, Deputy Supervisor  
Timothy Arone, Robert Hunter and Marilyn Prestia, Councilpersons  
Absent: None  
Also Present: Joseph McKay, Attorney for the Town; Robert Weyant, Highway Superintendent;  
Richard Vasquez, Police Chief

**I. Public Hearing:**

a. Property Tax Cap Override:

A public hearing was held to entertain public comments on the adoption of Introductory Local Law 3 of 2014 to override the tax levy limit established in General Municipal Law Section 3-c for the 2015 fiscal year. The public notice was printed in the Times Herald Record on September 11, 2014 and no public comments were received. Motion was then offered by Councilman Arone, seconded by Councilman Hunter, to close the public hearing.

**ADOPTED**      AYES    4            Arone, Hunter, Palermo, Prestia  
                     NOES    0

Motion was then offered by Deputy Supervisor Palermo, seconded by Councilman Arone, to adopt the following resolution:

**WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Woodbury on September 4, 2014 scheduling a public hearing to be held by said Governing Body on September 18, 2014, to hear all interested parties on a proposed local law entitled "A Local Law To Override the Tax Levy Limit Established in General Municipal Law §3-c"; and

**WHEREAS**, on September 4, 2014, the Town Board designated itself as Lead Agency with respect to the SEQRA review of the foregoing proposed local law, classified the proposed action as an Unlisted action under SEQRA, and scheduled a public hearing to receive comments with respect to the proposed local law and any potential adverse environmental impacts of the action in accordance with SEQRA; and

**WHEREAS**, notice of said public hearing was duly advertised in the Times Herald-Record, the official newspaper of said Town, according to law; and

**WHEREAS**, said public hearing was duly held on September 18, 2014, at the Town Hall, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

**WHEREAS**, the Town Board has reviewed the proposed local law, the short environmental assessment form prepared in connection therewith, and the public comment provided at the aforesaid public hearing, and after due deliberation thereon.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Town Board finds that:

- 1) the proposed local law has no significant adverse environmental impacts and issues a negative declaration thereon;
- 2) the adoption of the proposed local law is in the best interests of the residents of the Town, and hereby adopts said Local Law No. 2 of 2014, entitled "A Local Law To Override the Tax Levy Limit Established in General Municipal Law §3-c", as printed on page 148 of this minute book; and
- 3) hereby directs the Town Clerk to give due notice of the adoption of said Local Law to the Secretary of the State of New York.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Councilman Arone	YES
Councilman Hunter	YES
Deputy Supervisor Palermo	YES

**II. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Councilwoman Prestia, seconded by Councilman Hunter, to accept the minutes of the regular meeting held September 4, 2014.

**ADOPTED** AYES 4 Arone, Hunter, Palermo, Prestia  
NOES 0

Motion was then offered by Councilman Arone, seconded by Councilwoman Prestia, to accept the minutes of the worksession held September 15, 2014.

**ADOPTED** AYES 4 Arone, Hunter, Palermo, Prestia  
NOES 0

b. Approval of Abstract:

Motion was offered by Deputy Supervisor Palermo, seconded by Councilman Arone, to approve Abstract 17 containing vouchers 20142033 – 20142161 and totaling \$679,956.71.

**ADOPTED** AYES 4 Arone, Hunter, Palermo, Prestia  
NOES 0

c. Budget Modification:

Motion was offered by Councilman Hunter, seconded by Councilwoman Prestia, to approve a modification to the budget of the Senior Center by increasing A599 (Appropriated Fund Balance) by \$800 and increasing A7620.200 (Equipment/Furniture) by \$800.

**ADOPTED** AYES 4 Arone, Hunter, Palermo, Prestia  
NOES 0

Motion was then offered by Councilman Arone, seconded by Deputy Supervisor Palermo, to approve a modification to the budget of the Town Clerk’s Office by increasing A2544 (Dog Licenses) by \$1950, A599 (Appropriated Fund Balance) by \$2980 and A1410.464 (Computer Consultant/Programs) by \$4930.

**ADOPTED** AYES 4 Arone, Hunter, Palermo, Prestia  
NOES 0

Motion was then offered by Councilman Hunter, seconded by Councilwoman Prestia, to approve a modification to the budget of the Parks Department by increasing A2027 (Lifeguarding Classes) by \$970 and increasing A7110.424 (Lifeguarding Classes) by \$970.

**ADOPTED** AYES 4 Arone, Hunter, Palermo, Prestia  
NOES 0

d. Advertise for Upcoming Vacancies – Various Boards:

Motion was offered by Deputy Supervisor Palermo, seconded by Councilman Arone, to authorize the Town Clerk to advertise for letters of interest from residents to serve on the Library Board and Parks Commission. There are two positions expiring this year on the Library Board (one of which is currently vacant) and one on the Parks Commission. Letters of interest should be sent to the Town Clerk’s Office and will be accepted until 4PM on October 31, 2014. Interviews will be tentatively scheduled for the November 17 worksession.

**ADOPTED** AYES 4 Arone, Hunter, Palermo, Prestia  
NOES 0

e. Appointment of Police Officers (3):

Motion was offered by Deputy Supervisor Palermo, seconded by Councilman Arone, to appoint Christopher Correa, Joseph Iorio and Kristen Potter to the position of full-time Police Officer beginning September 29, 2014 (rate of pay \$29.8031 per hour), subject to OC Civil Service approval, the signing of all Town employment documents, and the successful passing of a physical and psychological examination.

**ADOPTED**      AYES    4            Arone, Hunter, Palermo, Prestia  
                     NOES    0

The Board collectively congratulated all three on their appointments and noted they were very impressed with each of them during the interview process. Deputy Supervisor Palermo stated that prior to the passing of Supervisor Burke, discussions were held with the Police Chief regarding hiring new officers due to internal promotions and the fact that approximately eight officers will be eligible for retirement within the next two years. The Board has chosen to be progressive and look to the future to ensure the safety and security of the residents. He feels very strongly that the best individuals have been selected. He thanked the Police Chief and the selection committee for all their work during the selection process. Chief Vasquez thanked the Town Board for this assistance during the hiring process and recognized the interview panel from his department: Lieutenant Arthur Abbott, Sergeant Kevin Watson, Sergeant John Bourke and himself. He agrees these three individuals are the best candidates and noted that Kristen Potter will be Woodbury's first female officer. It was noted that an official "Oath of Office" ceremony will be held at the October 2 meeting.

f. Resolution – Individual to Act in an Emergency when Deputy Supervisor is Unavailable:

Motion was offered by Deputy Supervisor Palermo, seconded by Councilman Arone, to adopt the following resolution:

**WHEREAS**, the Deputy Supervisor of the Town of Woodbury will be temporarily absent due to a scheduled vacation; and

**WHEREAS**, the Town Board wishes to ensure the continuation of Town operations in the event that an emergency arises and the Deputy Supervisor cannot be contacted electronically; and

**WHEREAS**, section 64 (23) of the New York State Town Law provides the town board the power to take "all powers conferred upon towns" including "such additional powers as may be reasonably implied therefrom"; and

**WHEREAS**, the Town Board wishes to exercise its authority pursuant to section 64 of the Town Law;

**NOW, THEREFORE, BE IT HEREBY**

**RESOLVED**, by the Town Board of the Town of Woodbury, that, during the upcoming absence of the Deputy Supervisor, Councilman Robert Hunter shall be entitled to act in his place, in response to any emergency situation affecting the Town of Woodbury, if the Deputy Supervisor cannot be contacted.

**ADOPTED**      AYES    4            Arone, Hunter, Palermo, Prestia  
                     NOES    0

**III. Old Business:**

a. Adoption of Local Law – Officers and Employees:

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to adopt the following resolution:

**WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Woodbury on August 21, 2014, scheduling a public hearing to be held by said Governing Body on September 4, 2014, at 7:30 p.m., to hear all interested parties on a proposed local law entitled "A LOCAL LAW ESTABLISHING THE COMPENSATION OF DEPUTY SUPERVISOR AND DEPUTY CLERK OF THE TOWN OF WOODBURY DURING A VACANCY IN THE OFFICE OF TOWN SUPERVISOR OR TOWN CLERK"; and

**WHEREAS**, on August 21, 2014, the Town Board designated itself as Lead Agency with respect to the SEQRA review of the foregoing proposed local law, preliminarily classified the proposed action as an Unlisted action under SEQRA, and scheduled a SEQRA public hearing with respect to the action; and

**WHEREAS**, notice of said public hearing was duly advertised in the Times Herald-Record, the official newspaper of said town, according to law; and

**WHEREAS**, said public hearing was duly held on September 4, 2014, at or about 7:30 p.m. at the Town Hall of the Town of Woodbury, 511 Route 32, Highland Mills, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and to conduct environmental review with respect to the potential adverse environmental impacts of said local law, pursuant to SEQRA; and

**WHEREAS**, the Town Board of the Town of Woodbury has reviewed and considered the proposed local law, the short environmental assessment form prepared in connection therewith, and the public comment provided at the aforesaid public hearing, and after due deliberation thereon,

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Town Board finds that:

- 1) the proposed action is an unlisted action pursuant to SEQRA;
- 2) the proposed local law has no significant adverse environmental impacts;
- 3) the Deputy Town Supervisor is authorized to execute the EAF to reflect that the Town Board has hereby issued a negative declaration with respect to the project;
- 4) the adoption of the proposed local law is in the best interests of the residents of the town, and the Town Board hereby adopts said Local Law No. 3 of 2014, entitled "A LOCAL LAW ESTABLISHING THE COMPENSATION OF DEPUTY SUPERVISOR AND DEPUTY CLERK OF THE TOWN OF WOODBURY DURING A VACANCY IN THE OFFICE OF TOWN SUPERVISOR OR TOWN CLERK", as printed on page 149 - 151 of this minute book; and
- 5) hereby directs that the Town Clerk enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Woodbury, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Councilman Arone	YES
Councilman Hunter	NO
Deputy Supervisor Palermo	YES
Councilwoman Prestia	YES

b. Authorize Deputy Supervisor to Sign – 2015/2016 Refuse Contract:

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to authorize the Deputy Supervisor to sign the contract for the collection of refuse for the 2015/2016 fiscal years with County Waste-Ulster LLC, pending receipt of the performance bond required pursuant to the bid specifications.

**ADOPTED**      AYES    4            Arone, Hunter, Palermo, Prestia  
                     NOES    0

**IV. New Business:**

a. Resolution – Settlement of Tax Certiorari:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to adopt the following resolution of the Town Board of the Town of Woodbury authorizing the law firm of Catania, Mahon, Milligram & Rider, PLLC, to settle the matter known as SG Enterprises, LLC v. Town of Woodbury, it's Assessors and Board of Review, and to execute any necessary documents pursuant to the settlement:

**WHEREAS**, an action was filed by SG Enterprises, LLC pursuant to Article 7 of the New York Real Property Tax law challenging the 2013 tax assessment applied against a certain parcel owned by SG Enterprises, LLC located in the Town of Woodbury known as 6 Second Street (SBL No. 214-7-6); and

**WHEREAS**, SG Enterprises, LLC sought a reduction in the 2013 assessment against said parcel from \$35,500.00 to \$17,000.00 (a reduction of \$18,500.00); and

**WHEREAS**, the Town Assessor, after performing a detailed analysis of the 2013 assessment of 6 Second Street, proposed a reduction in the 2013 assessment of \$17,800.00 resulting in a new assessment of \$17,700.00; and

**WHEREAS**, the new assessment would result in a refund to the Petitioner of \$1,029.26 in school taxes, \$431.82 in town taxes and \$36.82 in village taxes; and

**WHEREAS**, pursuant to Section 727 of the New York Real Property Tax Law, the assessment fixed for 2013 would be frozen as to 6 Second Street for the 2014, 2015 and 2016 tax years; and

**WHEREAS**, Petitioner, SG Enterprises, LLC is willing to accept the reduction proposed by the Town Assessor and has signed a stipulation to that effect; and

**WHEREAS**, the Town Board of Woodbury has discussed and considered the issues related to the settlement of this matter; 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 and is willing to accept the reduction in the assessment proposed by the Town Assessor from \$35,500.00 to \$17,700.00; and

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Town's attorneys Catania, Mahon, Milligram and Rider, PLLC shall have the authority to settle the matter described herein on behalf of the Town of Woodbury and the Board directs the Town's attorneys to execute the stipulation of settlement and any other necessary documents on behalf of the Town of Woodbury.

**ADOPTED**      AYES    4            Arone, Hunter, Palermo, Prestia  
                     NOES    0

b. Agreement – Computer Support from PC Surgeon:

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to authorize the Deputy Supervisor to sign a contract with PC Surgeon for 80 hours of service at a cost of \$6800.

**ADOPTED**      AYES    4            Arone, Hunter, Palermo, Prestia  
                     NOES    0

Councilwoman Prestia asked if this was an annual contract and she was told by Deputy Supervisor Palermo that it is a roll over contract.

**V. Department Reports:**

a. Supervisor's Report – August 2014

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to approve the August 2014 Supervisor's Report with receipts totaling \$1,024,318.57 and disbursements totaling \$1,826,971.53.

**ADOPTED**      AYES    4            Arone, Hunter, Palermo, Prestia  
                     NOES    0

b. Town Clerk's Report – August 2014

c. Parks/Recreation Minutes – None Received

d. Animal/Goose Control Report – August 2014

e. Police/Communications Report – August 2014

f. Beautification Commission Minutes – No Meeting Held

g. Library Minutes – August 26, 2014

h. Budget vs. Actual – August 2014

**VI. Board Member Announcements:**

Councilwoman Prestia thanked Maria and Robert Hunter and the Woodbury Day committee for planning the event held on September 13. She believes that all had a good time, even though the weather was uncooperative. She also recognized the efforts of Jennifer Bradshaw and Dorothy Morris for distributing books to the children. Councilman Hunter thanked Robert Blair and Robert Beckley for being proactive during an incident that occurred recently on our newly acquired property and for working swiftly to get the police involved.

**VII. Public Comment:**

John Smith asked that the Board educate the public by explaining what the tax cap override law does and Deputy Supervisor Palermo explained its purpose.

Robin Crouse asked if Deputy Supervisor Palermo will be paid while on vacation and she was told he would be. Mrs. Crouse then noted that two members of the Historical Society have written a book regarding the history of Woodbury. This book is for sale at the Historical Society.

Justin Hunter stated he is excited that three new officers have been hired and he welcomed them. He then noted that he was at the Historical Society recently and he noticed the alarm system there beeps continually. When he asked about it he was told that it does not work. Similarly, the Town Hall's alarm system has been deactivated for over a year. Deputy Supervisor Palermo stated he will speak to the Buildings & Grounds Department tomorrow.

**VIII. Adjournment:**

With no further business to discuss or comments received, a motion was offered by Councilwoman Prestia, seconded by Councilman Hunter, to adjourn the meeting at 8PM.

<b>ADOPTED</b>	AYES	4	Arone, Hunter, Palermo, Prestia
	NOES	0	

Desiree Potvin, Town Clerk

Local Law No. 2 of the year 2014  
Town of Woodbury, County of Orange

**A local law to override the tax levy limit established in General Municipal Law §3-c**

**Section 1. Legislative Intent**

It is the intent of this local law to allow the Town of Woodbury to adopt a budget for the fiscal year commencing January 1, 2015 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**Section 3. Tax Levy Limit Override**

The Town Board of the Town of Woodbury, County of Orange, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2015 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

**Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date**

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

**LOCAL LAW NO 3 OF 2014**

**A LOCAL LAW ESTABLISHING THE COMPENSATION OF  
DEPUTY SUPERVISOR AND DEPUTY CLERK OF THE TOWN OF WOODBURY  
DURING A VACANCY IN THE OFFICE OF TOWN SUPERVISOR OR TOWN CLERK**

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 Establishing the Compensation of the Deputy Supervisor and Deputy Clerk of the Town of Woodbury During a Vacancy in the Office of Town Supervisor or Town Clerk”.

Section 2.      Legislative Intent.

It is the intention of this Local Law to established the salary to be paid to the Deputy Supervisor or the Deputy Town Clerk of the Town of Woodbury, when an individual has assumed the duties and is discharging the responsibilities of the Office of Supervisor or the Office of Town Clerk, while there is a vacancy in either of those Offices.

Section 3.      Purpose.

In recent years the Town of Woodbury has had two occasions in which its elected Town Supervisors have died during their term, leaving vacancies in the Office, and necessitating that a Deputy Supervisor discharge the duties of the Supervisor. There is no existing Town Code provision concerning the compensation to be paid to a Deputy Supervisor or to a Deputy Town Clerk, who are appointed to discharge the duties of the Office of Town Supervisor or Office of Town Clerk during the period of the vacancy. The Town Board acknowledges that appointing deputies to handle the responsibilities of those offices during the time of a vacancy is critical to ensuring the proper and orderly function of the town, and is necessary to provide town residents with town services. The purpose of this Local Law is to establish the proper compensation to be paid to the Deputy Supervisor and the Deputy Clerk of the Town of Woodbury, when the Deputy Supervisor or Deputy Clerk assumes the duties of Town Supervisor or Town Clerk during the time of a vacancy in those offices.

This Local Law is enacted to provide the Town of Woodbury Deputy Supervisor and Deputy Clerk with the salary designated for the Office of Supervisor, or the office of Town Clerk, respectively, on a per diem basis, during the time period that the Deputy Supervisor or Deputy Clerk is performing the duties and discharging the responsibilities of the Office of Town Supervisor or Office of Town Clerk. Alternatively, this Local Law permits the Deputy Supervisor or Deputy Clerk to continue to receive the salary of their current office.

Section 4.      Compensation During the Period That the Office of Supervisor or Town Clerk is Vacant.

Chapter 50 of the Town Code is hereby amended to insert new sections, 50-2 and Article IV, as follows:

1. **"§ 50-2. Employment; Compensation of Deputy Clerk During Vacancy in the Office of Town Clerk.**

a. During the time period that the Office of Town Clerk is vacant and the appointed Deputy Town Clerk is performing the duties and discharging the responsibilities of the Office of Town Clerk, the Deputy Town Clerk of the Town of Woodbury shall be paid the salary set for the Office of the Town Clerk in that year's adopted Town Budget, on a per diem basis. Such compensation shall be in lieu of and not in addition to any other compensation she or he may receive as a town officer or employee. This paragraph shall not apply in instances where the Deputy Town Clerk is performing the duties of the Town Clerk on an intermittent or short term basis, due to the Town Clerk's vacation, temporary absence or illness. When required to perform such intermittent or temporary duties, the Deputy Town Clerk shall be compensated by a supplementary stipend, set by the Town Board, which shall be in addition to any other compensation he or she may receive as a town officer or employee.

b. Alternatively, in instances where the Deputy Town Clerk is discharging the responsibilities of the Office of Town Clerk during a vacancy in office and section 50-2 (a) would result in the salary of the Deputy Town Clerk being reduced, then the Deputy Town Clerk shall continue to receive the salary of the office of Deputy Town Clerk."

2. "Article IV  
Deputy Town Supervisor

**§ 50-6. Employment; Compensation of Deputy Supervisor During Vacancy in the Office of Town Supervisor.**

a. During the time period that the Office of Town Supervisor is vacant and the appointed Deputy Town Supervisor is performing the duties and discharging the responsibilities of the Office of Town Supervisor, the Deputy Town Supervisor of the Town of Woodbury shall be paid the salary set for the Office of the Town Supervisor in that year's adopted Town Budget, on a per diem basis. Such compensation shall be in lieu of and not in addition to any other compensation she or he may receive as a town officer or employee. This paragraph shall not apply in instances where the Deputy Town Supervisor is performing the duties of the Town Supervisor on an intermittent or short term basis, due to the Town Supervisor's vacation, temporary absence or illness. When required to perform such intermittent or temporary duties, the Deputy Town Supervisor shall be compensated by a supplementary stipend, set by the Town Board, which shall be in addition to any other compensation he or she may receive as a town officer or employee.

- b. Alternatively, in instances where the Deputy Town Supervisor is discharging the responsibilities of the Office of Deputy Town Supervisor during a vacancy in office and section 50-6 (a) would result in the salary of the Deputy Town Supervisor being reduced, then the Deputy Town Supervisor shall continue to receive the salary of the office to which they are appointed or elected."
3. Current section 50-2, 50-3 and 50-4, shall be renumbered as "§ 50-3, § 50-4 and § 50-5", respectively.

Section 5.      Authority.

This Local Law is enacted pursuant to Town Law section 27 and the Municipal Home Rule Law. 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 Town local law.

Section 6.      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 7.      Separability

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 8.      Repeal

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

Section 9.      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.