

Minutes of the Virtual Town Board Meeting held on July 2, 2020 at 7:30PM

Present: Frank Palermo, Supervisor  
Thomas Burke, Tyler Etzel, Jacqueline Hernandez and Robert Hunter, Council  
Absent: None  
Also Present: Joseph McKay, Attorney for the Town, various members of the public

**I. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Councilman Burke, seconded by Councilman Hunter, to accept the minutes of the meeting held June 18, 2020.

**ADOPTED** AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter  
NOES 0

b. Approval of Abstract:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Hunter, to approve Abstract 12 containing vouchers 200857 – 200910 and totaling \$73,014.12.

**ADOPTED** AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter  
NOES 0

c. Approval of Budget Modifications:

Motion was offered by Supervisor Palermo, seconded by Councilman Etzel, to approve modification to the 2020 budget as follows:

- Justice Court – increasing A599 (Appropriated Fund Balance) by \$52,710 and increasing A1110.101 (Compensated Absences) by \$52,710
- General Fund – increasing A599 (Appropriated Fund Balance) by \$13,258 and increasing A1620.429 (Municipal Building Lease) by \$13,258.

**ADOPTED** AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter  
NOES 0

**II. New Business:**

a. Acceptance of Proposal - Peckham Road Corp. Black Top Removal at Pool:

Motion was offered by Supervisor Palermo, seconded by Councilman Burke, to authorize the Supervisor to sign and accept the proposal received from Peckham Road Corp totaling \$24,600 to reclaim the blacktop at the John P Burke Memorial Pool.

**ADOPTED** AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter  
NOES 0

Supervisor Palermo thanked Village Streets Superintendent Weyant for this assistance in obtaining this bid from the County list.

b. Bond Resolution - \$4,950,000 Construction of New Pool:

Supervisor Palermo stated the Town Board met with Park Committees to go over the results from the survey and they will be posted on the website. The Board decided to secure funding for the middle pool and added 10% contingency to the original estimated cost. Councilman Hunter asked Attorney McKay if he has reviewed the resolutions submitted and Attorney McKay stated they were prepared by bond counsel and he has reviewed them.

Motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to adopt the following bond resolution of the Town of Woodbury, New York, authorizing the construction of a new town pool, including demolition of the existing pool, stating the estimated maximum cost thereof is \$4,950,000, appropriating said amount for such purpose, authorizing the issuance of bonds in the principal amount of \$4,950,000 to finance said appropriation, and stating that this bond resolution shall be subject to a mandatory referendum:

THE TOWN BOARD OF THE TOWN OF WOODBURY, IN THE COUNTY OF ORANGE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than a majority of all the members of said Town Board) AS FOLLOWS:

**Section 1.** The Town of Woodbury, in the County of Orange, New York (herein called the "Town"), is hereby authorized to construct a new Town pool, including demolition of the existing pool, and any ancillary or related work in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,950,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$4,950,000, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

**Section 2.** Bonds of the Town in the principal amount of \$4,950,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

**Section 3.** The following additional matters are hereby determined and declared:

- a) The period of probable usefulness applicable to the purpose for which the bonds are authorized to be issued, within the limitations of Section 11.00 a. 61 of the Law, is fifteen (15) years.
- b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.
- c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

**Section 4.** Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

**Section 5.** Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any

bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

**Section 6.** The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- c) such obligations are authorized in violation of the provisions of the constitution.

**Section 7.** A Special Town Election of the qualified voters of the Town shall be held in said Town, on September 9, 2020, at 9:00 o'clock A.M. (Prevailing Time) and the polls shall remain open until 9:00 o'clock P.M. (Prevailing Time) or as much longer as may be necessary to enable the voters then present to cast their votes, and at said Special Town Election a Proposition for the approval or disapproval of this bond resolution shall be submitted to the qualified voters present and voting, and the bond resolution shall take effect only upon the approval of the Proposition by said voters of the Town at said Special Town Election.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Supervisor Palermo	YES
Councilman Burke	YES
Councilman Etzel	YES
Councilwoman Hernandez	YES
Councilman Hunter	YES

EXTRA ITEM – Resolution Calling for Special Election for Pool Construction Bonding:

Motion was offered by Councilman Burke, seconded by Councilwoman Hernandez, to adopt the following resolution of the Town of Woodbury, New York, calling for a special town election to be held on September 9, 2020, for the purpose of submitting a proposition for the approval or disapproval of a bond resolution to the qualified voters of the town, prescribing the form of notice to be published for said special town election, and making other determinations in connection therewith:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF WOODBURY, IN THE COUNTY OF ORANGE, NEW YORK, AS FOLLOWS:

**Section 1.** A Special Town Election of the Town of Woodbury, in the County of Orange, New York (the "Town"), shall be held in the Town, on September 9, 2020, at 9:00 o'clock A.M. (Prevailing Time). A Proposition for the approval or disapproval of the bond resolution adopted by the Town Board of the Town on July 2, 2020 shall be submitted to the qualified voters of the Town at said Special Town Election, and said bond resolution shall take effect only upon the approval of the Proposition by said voters of the Town at said Special Town Election. The vote upon the Proposition to be submitted to the qualified voters shall be by voting machines and the Town Clerk is hereby authorized and directed to have the necessary ballot labels prepared for use in voting. The Town Clerk is hereby authorized and directed to give notice of submission of said Proposition at said Special Town Election (a) by publishing, at least ten (10) days prior to such Special Town Election, a Notice thereof substantially in the form as hereinafter set forth, at least once in the "Times Herald Record" a newspaper having general circulation in the Town, and hereby designated the official newspaper of the Town for such publication, and (b) by posting such notice at least ten (10) days prior to such Special Town Election on the sign-board of the

Town maintained pursuant to subdivision 6 of Section 30 of the Town Law. Said Notice shall be in substantially the following form:

*TOWN OF WOODBURY, NEW YORK  
NOTICE OF SPECIAL ELECTION  
TO BE HELD ON SEPTEMBER 9, 2020*

*PLEASE TAKE NOTICE that a Special Town Election shall be held on September 9, 2020, in the Town of Woodbury, in the County of Orange, New York, at the Woodbury Senior Center, 16 County Route 105, Highland Mills, New York. The polls shall remain open from 9:00 o'clock A.M. (Prevailing Time) until 9:00 o'clock P.M. (Prevailing Time) or as much longer as may be necessary to enable the voters then present to cast their votes. Such Special Town Election shall be conducted in accordance with procedures determined pursuant to applicable law and by the Orange County Board of Elections. The voting shall be by voting machines. The voting shall be on the following Proposition:*

*PROPOSITION*

*SHALL THE RESOLUTION ENTITLED: "Bond Resolution of the Town of Woodbury, New York, adopted July 2, 2020, authorizing the construction of a new Town pool, including demolition of the existing pool, stating the estimated maximum cost thereof is \$4,950,000, appropriating said amount for such purpose, authorizing the issuance of bonds of the Town in the principal amount of not to exceed \$4,950,000 to finance said appropriation, and stating that this bond resolution is subject to a mandatory referendum," BE APPROVED?*

*An abstract of said bond resolution, concisely stating the purpose and effect thereof, is as follows:*

***FIRST:** AUTHORIZING the Town of Woodbury, in the County of Orange, New York, to construct a new Town pool, including demolition of the existing pool, and any ancillary or related work in connection therewith; STATING the estimated maximum cost of the project, including preliminary costs, and costs incidental thereto and the financing thereof, is \$4,950,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of not to exceed \$4,950,000 bonds of the Town to finance appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;*

***SECOND:** AUTHORIZING the issuance of \$4,950,000 bonds of the Town pursuant to the Local Finance Law of the State of New York ("Law") to finance said appropriation;*

***THIRD:** DETERMINING and STATING the period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of the bonds may be used to reimburse the Town for expenditures made after the effective date hereof for the purpose for which said bonds are authorized; and the proposed maturity of said serial bonds will exceed five (5) years;*

***FOURTH:** DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;*

***FIFTH:** DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof, and other related powers and duties;*

***SIXTH:** STATING the conditions under which the validity of the bonds may be contested; and*

***SEVENTH:** DETERMINING that the bond resolution is subject to a mandatory referendum and authorizing and directing the Town Clerk to cause a Notice of Special Town Election to be published and posted.*

**Section 2.** In addition to the foregoing, the Town Board hereby authorizes and directs the Town Clerk to do the following:

- a) To maintain and distribute copies hereof, ready for public review and inspection in the Office of the Town Clerk and any and all other locations deemed necessary by the Town Clerk and the Town Attorney to comply with New York State Law regarding referenda; and
- b) To take all necessary steps, with assistance of the Town Attorney, to ensure that such Proposition is properly placed before the duly qualified Electors of the Town at the Special Town Election to be held on September 9, 2020.

**Section 3.** In the event that the Proposition is approved by the qualified voters present and voting upon such Proposition, the Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, in the official newspaper of the Town, together with a Estoppel Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Supervisor Palermo	YES
Councilman Burke	YES
Councilman Etzel	YES
Councilwoman Hernandez	YES
Councilman Hunter	YES

c. Accept Resignation/Retirement - Alice Confield:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Etzel, to accept, with regrets, the resignation of Alice Confield from the position of Court Clerk effective July 25, 2020.

**ADOPTED**      AYES    5            Palermo, Burke, Etzel, Hernandez, Hunter  
                     NOES    0

It was noted that Mrs. Confield has worked for the Town since 1996 and she has done an excellent job. Supervisor Palermo added it will be hard to replace her. The Board collectively thanked Mrs. Confield for her service and wished her well as she enters her next phase in life.

d. Accept Resignation/Retirement – Michael Bauer:

Motion was offered by Supervisor Palermo, seconded by Councilman Burke, to accept, with regrets, the resignation of Michael Bauer from the position of Police Sergeant effective July 30, 2020.

**ADOPTED**      AYES    5            Palermo, Burke, Etzel, Hernandez, Hunter  
                     NOES    0

Supervisor Palermo wished Sergeant Bauer the best of luck in retirement. Councilman Burke acknowledged that Sergeant Bauer was hired as a Police Officer in October 1998, received a “Life Saving Medal” in May 2003, promoted to Detective in March 2013 and promoted to Sergeant in October 2017. Dedicated employee and asset to the department. The Board collectively thanked Sergeant Bauer for his service and dedication to the community and all wished him the best of luck in his future.

**III. Board Member Comments:**

Councilman Hunter stated the Police posted photos on social media of recent truck stops/inspections they have been conducting. He feels it is nice we are getting some results and hopes we will now get some respect from the truck drivers.

Councilman Burke stated Earl Reservoir looks great and he thanked the Buildings/Grounds Department for all the work they have done to get it open this year. He also thanked the gatekeepers at the park for the hard job they are doing to keep the bathrooms there safe. Regarding the pool improvements, recently there as an on-site meeting there with Director Gianzero, Village Streets Superintendent Weyant, Mayor Egan, Supervisor Palermo and himself to see what can be done working together. He then wished everyone a Happy Independence Day.

Councilwoman Hernandez thanked the Police Department for sharing the work they have been doing with the community. She encouraged all residents to remember to adhere to the speed limits on the local roads and to watch for children at play. She then noted the Library Director has been working very hard to provide programs outside the library and the staff there is doing a great job. She then wished everyone a Happy Independence Day and noted we are in a time when our nation is struggling the most - as a small community she hopes we help to rebuild our faith in our police department and humanity. She concluded by stated community is based on respect.

Supervisor Palermo wished everyone a safe and healthy Independence Day. He reminded all that fireworks are illegal in the State of NY but if you use them, do so safely.

**IV. Adjournment:**

With no further business to discuss, a motion was offered by Councilwoman Hernandez, seconded by Supervisor Palermo, to adjourn the meeting at 7:55PM.

<b>ADOPTED</b>	AYES	5	Palermo, Burke, Etzel, Hernandez, Hunter
	NOES	0	

Desiree Potvin, Town Clerk