

Minutes of the Town Board Meeting held at Town Hall on August 4, 2014 at 7:30PM

Present: Desiree Potvin, Deputy Supervisor
Timothy Arone, Robert Hunter, Frank Palermo and Marilyn Prestia, Councilpersons
Absent: None
Also Present: Joseph McKay, Attorney for the Town; Robert Weyant, Highway Superintendent;
Richard Vasquez, Police Chief; Timothy Egan, Village Trustee; Joseph Gianzero, Parks
Director; Al Fusco, Engineer for the Town

Deputy Supervisor Potvin opened the meeting by making some remarks about the passing of Supervisor John Burke, which occurred on July 29, 2014. She noted that she and the Town employees will miss his encouraging smile, great attitude and the advice he would provide. His love for the community was obvious to everyone. She then announced that a committee has been formed to create a John P. Burke memorial at the Central Valley Pool. Many residents have reached out to various employees of the Town suggesting this be done and wanting to donate money. Anyone wishing to donate money can send it to the Town, care of the Parks Department, with a note that it is for the memorial fund. The Committee met today and several ideas have been discussed. A survey will be sent out soon via the Parks Department contact list to obtain some ideas and suggestions from the community.

Deputy Supervisor Potvin then stated Thomas Burke, Supervisor Burke's son, would like to address the Board and public. Mr. Burke thanked that public on behalf of his family for the love and support that was shown to his family this past week. It was understood the quality of life his father expected to live and since this was not going to be the case his wishes were followed and granted. Mr. Burke noted that Supervisor Burke always referred to himself as the "watchdog" for the community and he would do it to the best of his ability. Mr. Burke then recognized some individuals for their assistance during the family's time of grief: Chief Vasquez and the Woodbury Police Department, Maria Hunter, Superintendent Weyant and the Highway Department, Joseph Gianzero, Desiree Potvin, current and past Town Board members.

Deputy Supervisor Potvin then asked the Board members if they had anything they would like to say about Supervisor Burke. Councilwoman Prestia stated over the past week she has learned lot about Supervisor Burke. She noted that he was very supportive and welcoming of her when she became a new Councilmember. He also enjoyed seeing the school students and Boy Scouts attend meetings as part of their schooling or scouting work. He cared about all residents and treated all fairly. He was a remarkable listener and an amazing public speaker. She felt he was a life changing person. Councilman Arone stated it was a pleasure and honor to work with Supervisor Burke over the past three years. All he cared about was the Town of Woodbury, regardless of party affiliation or beliefs. Councilman Hunter stated Supervisor Burke was a pleasure to work with and will remember him for his ideas and strength. Councilman Palermo stated he was honored to be asked to say a few words about Supervisor Burke during his funeral service. He noted that it was important to Supervisor Burke that the Board worked together. He was loved and will be deeply missed by all.

I. Administrative Business:

a. Acceptance of Resignation – Deputy Supervisor:

Deputy Supervisor Potvin noted that, after speaking with the Town Board, she has regretfully decided to tender her resignation as Deputy Supervisor. She is honored that Supervisor Burke trusted her to serve in his absence but feels that she can better serve the community as Town Clerk. Motion was then offered by Councilman Arone, seconded by Councilwoman Prestia, to adopt the following

resolution of the Town Board of the Town of Woodbury accepting the resignation of Desiree Potvin as Deputy Supervisor:

WHEREAS, Desiree Potvin was appointed Deputy Supervisor by Supervisor John Burke at the Town's reorganization meeting on January 5, 2012; and

WHEREAS, Desiree Potvin has faithfully performed the duties of the Deputy Supervisor from January 5, 2012 until August 4, 2014; and

WHEREAS, upon the passing of Supervisor John Burke on July 29, 2014 the Deputy Supervisor was tasked with performing all of the duties of the Supervisor under the Town Law; and'

WHEREAS, Desiree Potvin currently holds the position of Town Clerk of the Town of Woodbury and as such the responsibilities pursuant thereto; and

WHEREAS, Mrs. Potvin having determined that due to her current responsibilities as Town Clerk it would be in the best interest of the Town of Woodbury that another individual handle the day-to-day responsibilities of the office of Deputy Supervisor; and

WHEREAS, Mrs. Potvin has tendered her resignation from the position of Deputy Supervisor effective immediately pursuant to §7-19 of the New York State Town Law and §31 of the New York State Public Officers Law; and

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board of the Town of Woodbury hereby accepts the resignation of Desiree Potvin as the Deputy Supervisor of the Town of Woodbury effective immediately.

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

b. Appointment of Deputy Supervisor:

Motion was then offered by Councilman Arone, seconded by Councilman Hunter, to adopt the following resolution of the Town Board of the Town of Woodbury appointing Frank J Palermo as Deputy Supervisor:

WHEREAS, the Town Board has accepted the resignation of Desiree Potvin as Deputy Supervisor pursuant to §7-19 of the New York State Town Law and §31 of the New York State Public Officers Law; and

WHEREAS, there is a vacancy in the office of Deputy Supervisor of the Town of Woodbury; and

WHEREAS, §7-13 of the New York State Town Law provides that the Town Board shall have the power to appoint a Deputy Supervisor where a vacancy has occurred in the office; and

WHEREAS, Frank J Palermo is qualified to be appointed as the Deputy Supervisor, as he possesses the same qualifications as an elected official as required under §7-13 of the New York State Town Law; and

WHEREAS, Mr. Palermo is willing to accept the appointment as Deputy Supervisor, and take and file the constitutional oath of office, and execute and file an official undertaking in the manner prescribed in New York Town Law §25.

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board of the Town of Woodbury hereby appoints Frank J Palermo to the office of Deputy Supervisor of the Town of Woodbury, to serve until December 31, 2014.

ADOPTED AYES 3 Arone, Hunter, Prestia
 ABSTAIN 1 Palermo

Deputy Supervisor Palermo thanked the Town Board for showing their faith and trust with his appointment. He will work very hard and tirelessly. He stressed the Board will remain united and will not back down.

c. Acceptance of Minutes:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to accept the minutes of the regular meeting held July 17, 2014.

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

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to accept the minutes of the special meeting held July 31, 2014.

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

d. Approval of Abstract:

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to approve Abstract 14 containing vouchers 20141676 – 20141791 and totaling \$188,023.77.

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

e. Budget Modifications:

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to approve a modification to the budget of the Highway Fund by decreasing DB5110.476 (Trees) by \$1000 and increasing DB5110.425 (Grounds/Weed Control) by \$1000.

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

Motion was then offered by Councilman Arone, seconded by Councilman Hunter, to approve a modification to the budget of the Library Fund by increasing L599 (Appropriated Fund Balance) by \$3300 and increasing L7410.403 (Oil/Gas) by \$2000, L7410.428 (Children’s Programs) by \$1000 and L7410.444 (Schools & Dues) by \$300.

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

f. Appointment of Temporary Part-Time Clerk – Assessor’s Office:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to appoint Patrick Breslin to the position of part-time, temporary clerk in the Assessor’s Office at a rate of pay of \$13.56 per hour beginning July 22, 2014 and ending September 1, 2014.

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

II. Old Business

a. Resolution – Renewal of BAN – HLE Sewer:

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 Deputy Supervisor to accept the bid of Sterling National Bank in connection with a bond anticipation note (BAN) for the repayment of the Highland Lake Estates Sewer Maintenance and Improvement Bond, and authorizing the Deputy Supervisor and Town Clerk to execute all required documents in connection with the BAN closing:

WHEREAS, the Town Board has determined that it is necessary for the Town of Woodbury to issue a Bond Anticipation Note (“BAN”) for the purpose of repaying a current outstanding BAN to Sterling National Bank in the sum of \$27,160.00, said amount constituting the outstanding indebtedness pursuant to a resolution dated December 19, 2005, that authorized the issuance of the Highland Lake

Estates Sewer Maintenance and Improvement Bond, and to refinance the balance due to be repaid on August 16, 2014; and

WHEREAS, in pursuit of such current BAN, the Town Board solicited requests for proposed financing terms from several banking institutions; and

WHEREAS, the Town Board received a bid from Sterling National Bank, with offices at Montebello, New York, offering a Bond Anticipation Note, in the principal amount of \$27,160.00 at the interest rate of 1.50% per annum, said note to be issued on or about August 15, 2014 and to mature on or about August 14, 2015; and

WHEREAS, the bid offered by Sterling National Bank was the lowest responsible bid received by the Town; and

WHEREAS, accepting the bid is in the best interests of the Town;

NOW THEREFORE BE IT HEREBY

RESOLVED, that the Town Board hereby designates itself as Lead Agency with respect to the approval of the funding to be obtained through this action; and be it further

RESOLVED, that the Town Board hereby determines that the within action is an unlisted action pursuant to SEQRA and determines that this action will not have a significant adverse environmental impact, as the action will not alter, disturb or otherwise impact the physical environment; and be it further

RESOLVED, that the Town accepts the bid from Sterling National Bank for a Bond Anticipation Note; and be it further

RESOLVED, that the faith and credit of the Town is hereby irrevocably pledged for the payment of the principal of and interest on such note as the same respectively become due and payable; and be it further

RESOLVED, that the Deputy Town Supervisor and Town Clerk are authorized and directed to execute the \$27,160.00 Bond Anticipation Note and all documents, as may be necessary, in order to effectuate the issuance of the Bond Anticipation Note; and be it further

RESOLVED, that the Town Board authorizes and directs the Town's Counsel, Joseph G. McKay, Esq., of Catania, Mahon, Milligram & Rider, PLLC, Newburgh, New York, to prepare and review said Bond Anticipation Note and all documentation related to the closing of the same.

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

III. New Business:

a. Resolution – Designation of Signatories for Banking Institutions:

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to adopt a resolution of the Town Board of the Town of Woodbury designating the Deputy Supervisor Frank J Palermo and the Town Clerk Desiree Potvin as signatories for all banking institutions and accounts held by the Town of Woodbury:

WHEREAS, pursuant to Article I § 5-1 of the New York State Town Law, the Town Board of the Town of Woodbury is responsible for the general management and control of the finances of the Town; and

WHEREAS, an important aspect of financial control of the Town is the authority to sign checks and other financial documents binding the Town; and

WHEREAS, John Burke the Supervisor of the Town of Woodbury, an individual authorized to sign checks and financial documents passed away on July 29, 2014; and

WHEREAS, the Town Board of the Town of Woodbury has determined that it is in the best interest of the Town of Woodbury to authorize two parties as signatories for the Town's banking institutions;

NOW THEREFORE BE IT HEREBY

RESOLVED, that the Town Board hereby designates Frank J. Palermo, the Deputy Supervisor of the Town of Woodbury and Desiree Potvin, the Town Clerk of the Town of Woodbury, as signatories for all of the Town's banking institutions, as set forth at the Town's Annual Organizational Meeting held on January 16, 2014.

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

b. Review of Insurance Policy Proposals:

Councilman Arone stated two proposals were received. They are as follows: (1) Marshall & Sterling, NYMIR, \$124,604.70; (2) The McKane Group, Allied Work Assurance, \$116,632.33. Allied is a stock insurance company and NYMIR is a reciprocal insurance company. He noted that one will do what is best for the stockholders (Allied) while the other is run by the policy holders/members (NYMIR). He also noted that NYMIR was established for municipal insurance needs. They have a return on capital after five years as it is surplus contribution. There are also only certain agents that NYMIR works with in the entire state of New York and they handle the claims in house which saves on cost. In addition, our Town Attorney's firm is on counsel with NYMIR, which is a positive. They also provide Public Officials liability of up to \$10,000 for false claims. He did recognize that the cost of the policy for NYMIR is a bit that the other policy quoted but it is still less than what was paid last year (\$137,143.00). He is recommending the Board sign with Marshall & Sterling and NYMIR. Deputy Supervisor Palermo stated the information was received late Friday afternoon and the Board should have more time to review it. The issue will be discussed further at the August 18 worksession.

EXTRA ITEM – Board Committee Assignments:

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to approve the following Town Board Committee Assignments:

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| Media Relations | Arone, Hunter |
| Woodbury Day Liaison(s) | Hunter |
| Cable Franchise | Hunter, Palermo |
| Fiscal Advisory | Palermo, Prestia |
| Environmental Conservation | Prestia |
| Records Management Liaison | Palermo |
| Library Liaison | Palermo, Prestia |
| M-W School Board Liaison | Prestia |
| Cornwall Town Board Liaison | Hunter |
| Gatehouse Committee Liaison | Palermo |
| Police Department Liaison(s) | Palermo, Prestia |
| Building & Highway | Hunter, Palermo |
| Insurance | Arone, Hunter |
| Senior Citizen Liaison | Arone, Prestia |
| Beautification Commission Liaison | Hunter |
| Business Improvement Dist. Committee | Arone, Palermo |
| Refuse | Palermo, Prestia |
| Parks Department Liaison(s) | Hunter, Prestia |
| Employee Relations | Arone, Hunter |
| Pre-Disaster/Mitigation Planning | Arone |
| Technology | Hunter |
| Village Liaison(s) | Arone, Palermo |

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

IV. Public Comment:

Attorney McKay stated he has been working for the Town for about four years but in that short period of time he developed a tremendous respect for Supervisor Burke. He felt he was a wonderful man, a leader in this community and he leaves very big shoes to fill. He will miss him tremendously and will not forget him.

Superintendent Weyant stated he lost a very good friend and mentor this week with the passing of Supervisor Burke. He will miss the way they teased each other and the late night drives around Town checking for unlit street lights. Supervisor Burke will always be in his heart.

Chief Vasquez stated a lot of residents have commented on the job his Department did and it was an honor and privilege to do this for Supervisor Burke. After he was sworn in as Chief, he felt uneasy due to the response from the public at that meeting. Supervisor Burke told him it would be okay and he was correct. He will not be forgotten.

Maria Hunter noted that Supervisor Burke cared about his family greatly. She has been working with his granddaughter, Stephanie, and she would share her experiences with her to him. She will really miss him.

V. Adjournment:

With no further business to discuss or comments received, a motion was offered by Councilman Arone, seconded by Councilman Hunter, to adjourn the meeting at 8:20PM.

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

Desiree Potvin, Town Clerk