

Minutes of the Town Board Meeting held at Town Hall on September 4, 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;
Pasquale Prozzillo, Fire Chief; David Sutz, Village Trustee

I. Public Hearing:

a. Salary of Deputy Supervisor/Deputy Town Clerk:

A public hearing was held to entertain comments on Introductory Local Law 2 of 2014 to amend Chapter 50 of the Town Code to establish the compensation for deputy town clerks and deputy supervisors when filling vacancies in office. The public notice was printed in the Times Herald Record on August 28, 2014 and the following comments were received:

Councilman Hunter stated he feels the position of Deputy Supervisor does not warrant receiving the salary of the Supervisor. He suggested that the position be compensated a rate of 50% of what the budgeted salary for the Supervisor. Attorney McKay stated the local law proposed this evening addresses what the Deputy Clerk and Deputy Supervisor would be compensated only if the position of Town Clerk or Supervisor were to become vacant. This would be in lieu of the salary they receive as serving as Deputy in all other instances. He would like to suggest that wordage be amended to state the Deputies can choose to be compensated the salary or can choose the stipend on top of their current pay. The Board agreed this amendment should be made and Attorney McKay was authorized to draft a revised law for consideration at the next meeting (September 18). Attorney McKay stated the changes were not substantial so a new public hearing is not necessary.

With no further comments received, a motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to close the public hearing.

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

II. Administrative Business:

a. Resolution – Set Salary for Deputy Supervisor:

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to adopt the following resolution setting the salary of the Deputy Supervisor:

WHEREAS, upon the passing of Supervisor John Burke on July 29, 2014, the Office of Town Supervisor was left vacant; and

WHEREAS, Town Clerk, Desiree Potvin, and former Councilman, Frank Palermo, have held the position of Deputy Supervisor since the passing of John Burke; and

WHEREAS, on July 7, 2005, the Town Board adopted a resolution authorizing a stipend to be paid to the Deputy Supervisor, when serving in the absence of the Town Supervisor; and

WHEREAS, the Town Code does not contain a provision setting the salary of the Deputy Supervisor when filling the vacant position of Town Supervisor; and

WHEREAS, section 42 of the New York State Town Law provides that during the time of a vacancy in the Office of Town Supervisor, the Town Board shall fix the compensation of the Deputy Supervisor; and

WHEREAS, the Town Board wishes to exercise its authority pursuant to section 42 of the Town Law and to provide for payment of services rendered by the Deputy Supervisor since July 29, 2014;

NOW, THEREFORE, BE IT HEREBY

RESOLVED, by the Town Board of the Town of Woodbury, that, during times of vacancy in the Office of Town Supervisor, the Deputy Supervisor shall be entitled to receive, as compensation for performing the duties of the Office of Town Supervisor, the salary of the Supervisor, as set in the most recent town budget adopted by the Town Board; and it is further

RESOLVED, that the Deputy Supervisor shall be compensated on a per diem basis when filling the vacant position of Town Supervisor; and be it further

RESOLVED, that such salary shall be in lieu of any other compensation to which the Deputy Supervisor is entitled to receive as a town officer or employee; and it is further

RESOLVED, that the Town Board hereby ratifies, confirms and approves any payments to the Deputy Supervisor, by way of stipend or salary, that may have been accrued and/or paid since July 29, 2014.

ADOPTED BY ROLL CALL AS FOLLOWS:

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

b. Acceptance of Minutes:

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to accept the minutes of the regular meeting held August 21, 2014.

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

c. Approval of Abstract:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve revised Abstract 11 by voiding Voucher 20141337 (Check #11705) in the amount of \$175.00. The total revised abstract is now \$259,143.52.

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

Motion was then offered by Councilwoman Prestia, seconded by Councilman Arone, to approve Abstract 16 containing vouchers 20141918 – 20142031 and totaling \$214,531.57.

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

d. Budget Modifications:

Motion was offered by Councilwoman Prestia, seconded by Deputy Supervisor Palermo, to approve a modification to the budget of the Justice Court by increasing A3031 (State Aide, Court Facilities) by \$8677 and increasing A1110.200 (Justice Court Equipment) by \$8677.

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

Motion was then offered by Deputy Supervisor Palermo, seconded by Councilwoman Prestia, to approve a modification to the budget of the Animal Control Officer by decreasing A3510.431 (Vet Fees) by \$300 and increasing A3510.430 (Heating Oil/Gas) by \$300.

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 Supervisor's Office by decreasing A1220.100 (Supervisor's Personal Services) by \$1652 and increasing A1220.200 (Equipment) by \$1652.

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

Motion was then offered by Deputy Supervisor Palermo, seconded by Councilman Arone, to approve a modification to the budget of the Animal Control Officer by increasing A2544 (Dog Licenses) by \$1600 and increasing A3510.480 (Vaccinations) by \$1600.

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

e. Acceptance of Resignation – PT MEO:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to accept, with regrets, the resignation of Pasquale Prozzillo from the position of part-time Machine Equipment Operator effective September 5, 2014.

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

Deputy Supervisor Palermo acknowledged the work ethic of Mr. Prozzillo and stated he was appreciated and will be missed. Superintendent Weyant acknowledged Mr. Prozzillo for his 15+ years of service to the Town and personally thanked him for his commitment and hard work.

III. New Business:

a. Authorize Signing of Agreement – 2014/2015 Snow & Ice:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to authorize the Deputy Supervisor to sign an agreement with Orange County for the contract of snow and ice removal on certain County roads for the 2014/2015 season at a rate of \$4700 per mile.

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

b. Signing of Tax Collector/Deputy Tax Collector Bond:

The Board members signed the bond for the Tax Collector/Deputy Tax Collector for the collection of property taxes in 2015. This is required to be filed with the County Clerk in order for the collection warrant to be issued.

c. Schedule Public Hearing – Tax Cap Override:

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to schedule a public hearing to be held at 7:30PM on September 18, 2014 for the purpose of entertain public comments on Introductory Local Law 3 of 2014 entitled “Tax Cap Override” to override the tax levy limit established in General Municipal Law Section 3-c for the 2015 tax year. This motion also includes declaring the Town Board as Lead Agency under SEQRA and preliminary classifying it as an unlisted action. Attorney McKay was authorized to prepare a Short Environmental Assessment Form to determine if there will be any adverse environmental impacts.

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

d. Schedule Public Hearing – Adoption of Special District Assessment Rolls:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to schedule a public hearing to be held at 7:30PM on October 16, 2014 on the adoption of the special district assessment rolls, which are as follows: Refuse, Consolidated Sewer, Brigadoon Sewer, Water 6 (Amdur Park), Sewer 1 (Valley Forge) and Highland Lake Estates Sewer.

ADOPTED AYES 4 Arone, Hunter, Palermo, Prestia

NOES 0

e. Resolution to Enroll - Identity Theft Protection for Elected Officials:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to engage the services of Ascente for their program called "LibertyID" for identity theft protection for elected officials and the Police Chief at a cost to not exceed \$2000 per year.

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

EXTRA ITEM – Publicizing of Local Political Committee Meetings:

Councilman Hunter stated he feels that the local political party meetings should be announced on Channel 22 and posted at the libraries. He also feels they should be open to the public since they are held at the Town owned Senior Center. It was decided that Councilman Hunter would gather more information regarding this topic for discussion at the September 15 worksession.

IV. Old Business:

a. Acceptance of Bids – Refuse Collection:

Clerk Potvin state a bid opening was held on August 8, 2014 for the collection of refuse and recycling for 2015 and 2016. The bid notice was printed in the Times Herald Record on July 17, 2014 and the following bids were received:

County Waste, Clifton Park, NY	2015	\$749,887.00	2016	\$749,887.00
Interstate Waste, Teaneck, NJ	2015	\$757,434.00	2016	\$772,582.68

Clerk Potvin noted that an investigation was conducted by the Police Department of the apparent low bidder, County Waste, and the results were satisfactory.

Motion was then offered by Councilman Palermo, seconded by Councilman Arone, to award the contract for the collection for refuse and recycling for the 2015 and 2016 fiscal years to County Waste for a total of \$1,499,774.00 (\$749,887.00 per year), pending receipt of insurance certificates and a performance bond.

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

b. Creation of Reserve Fund – John P Burke Memorial:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to adopt the following resolution creating a reserve fund:

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, this Town Board of the Town of Woodbury does hereby establish a Capital Reserve Fund to finance the costs of a memorial in memory of Supervisor John P Burke at the Central Valley Pool and/or Earl's Reservoir; and

BE IT FURTHER RESOLVED that the Supervisor or Deputy Supervisor is hereby directed to deposit monies of this reserve fund to be known as the "John P Burke Memorial Reserve Fund"; and

BE IT FURTHER RESOLVED that the Supervisor or Deputy Supervisor is authorized to invest the monies of this fund pursuant to General Municipal Law. No expenditures shall be made from this fund, except upon authorization of the Town Board pursuant to General Municipal Law.

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

V. Announcements/Board Member Comments:

Councilwoman Prestia thanked all the parks employees for their work this season.

VI. Public Comments: *There was no public comment received.*

VIII. 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 8PM.

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

Desiree Potvin, Town Clerk