

Minutes of the Town Board Meeting held at Town Hall on June 5, 2014 at 7:30PM

Present: John Burke, Supervisor  
Timothy Arone, Robert Hunter, Frank Palermo and Marilyn Prestia, Councilpersons  
Absent: None  
Also Present: Joseph McKay and Eric Ossentjuk, Attorney for the Town; Maria Hunter, Village Planning Board

**I. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to accept the minutes of the regular meeting held May 15, 2014.

**ADOPTED** AYES 5 Burke, Arone, Hunter, Palermo, Prestia  
NOES 0

b. Approval of Abstract:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve Abstract 10 containing vouchers 20141137 – 20141263 and totaling \$181,533.44.

**ADOPTED** AYES 5 Burke, Arone, Hunter, Palermo, Prestia  
NOES 0

c. Budget Modification(s):

Motion was offered by Supervisor Burke, seconded by Councilman Hunter, to approve a modification to the budget of the Adult Recreation Fund by increasing A2089 (Other Culture and Recreation Income) by \$1825 and increasing A7620.400 (Adult Recreation Contractual Expense) by \$1825.

**ADOPTED** AYES 5 Burke, Arone, Hunter, Palermo, Prestia  
NOES 0

Motion was then offered by Councilman Palermo, seconded by Councilwoman Prestia, to approve a modification to the budget of the General Fund by increasing A2655 (Sale of Equipment) by \$4000, A599 (Appropriated Fund Balance) by \$15,613 and increasing A1640.200 (Central Garage Equipment) by \$8,931 and A3510.200 (Animal Control Equipment) by \$10,682.

**ADOPTED** AYES 5 Burke, Arone, Hunter, Palermo, Prestia  
NOES 0

Motion was then offered by Councilman Arone, seconded by Supervisor Burke, to approve a modification to the budget of the General Fund by increasing A599 (Appropriated Fund Balance) by \$2795 and increasing A1010.408 (PEG Central) by \$2795.

**ADOPTED** AYES 5 Burke, Arone, Hunter, Palermo, Prestia  
NOES 0

d. Appointment of PT Dispatcher:

Motion was offered by Supervisor Burke, seconded by Councilman Palermo, to approve the appointment of Jennifer Ellis as a part-time Dispatcher beginning June 23, 2014 at an hourly rate of \$19.71.

**ADOPTED** AYES 5 Burke, Arone, Hunter, Palermo, Prestia  
NOES 0

**II. Old Business:**

a. Acceptance of Bids – Fuel Oil No. 2:

The bid notice was printed in the Times Herald Record on May 18, 2014 and the bid opening was held on June 2, 2014. The following bid was received:

H Reynolds and Sons, Central Valley, NY -

- 1) They will deduct \$0.15 per gallon off of the current selling price (which is \$3.799)
- 2) They will offer a capped price lock when details are available
- 3) They will not charge any sales or petroleum tax
- 4) They will supply 24 hour oil/service at no additional charge

Motion was then offered by Councilman Palermo, seconded by Councilwoman Prestia, to award the bid for the 2014/15 Fuel Oil No 2 contract to H Reynolds and Sons pursuant to their bid.

**ADOPTED**      AYES    5            Burke, Arone, Hunter, Palermo, Prestia  
                     NOES    0

b. SEQRA – Purchase of Property:

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to adopt the following resolution of the Town Board of the Town of Woodbury authorizing the purchase of real property and issuing a negative declaration under the New York State Environmental Quality Review Act:

**WHEREAS**, the Town was presented with an offer to purchase real property located at 367 Route 32, in the Town of Woodbury (the “project”); and

**WHEREAS**, the Town Board has determined that the purchase of the real property is in the public interest of the residents of the town; and

**WHEREAS**, on October 17, 2013, the Town Board of the Town of Woodbury adopted a resolution that determined that it would be the lead agency with respect to the review of the proposed real property purchase (the “project”) in accord with New York State Environmental Quality Review Act (“SEQRA”) and part 617 of the regulations implementing SEQRA, since there were no other agencies that have the authority to approve the project; and

**WHEREAS**, the Town Board’s resolution of October 17, 2013 preliminarily classified the action as an unlisted action under SEQRA; and

**WHEREAS**, the Town Board’s resolution of December 19, 2013 authorized the Town Supervisor to negotiate a purchase contract for the project, subject to the performance of a title search and review and approval as to form by counsel for the town; and

**WHEREAS**, on December 19, 2013, the Town Board adopted a resolution that authorized the Town Supervisor to execute the required purchase agreement, subject to: (1) a permissive referendum pursuant to the New York State Town Law; (2) the issuance of a negative declaration pursuant to the New York State Environmental Quality Review Act (“SEQRA”); (3) the completion of a title search, and due diligence review of the property; and (4) review and approval of the purchase contract, easement and/or other required documents as to form and content by the Attorney for the Town; and

**WHEREAS**, on December 19, 2013, the Town of Woodbury authorized its Treasurer to issue a check in the sum of five thousand (\$5,000.00) dollars as and for the down payment under the agreement; and

**WHEREAS**, on December 19, 2013, the Town Board authorized and directed the Town Clerk to forward a full copy of the proposed action to all interested agencies; and

**WHEREAS**, on December 19, 2013, the Town Board authorized and directed the Town Clerk to post and publish an abstract of its resolution in accordance with New York State Town Law section 90; and

**WHEREAS**, the abstract of the December 19, 2013 resolution was published on December 26, 2013 in the Times Herald Record; and

**WHEREAS**, no petition was filed seeking a permissive referendum; and  
**WHEREAS**, all conditions outlined in the December 19, 2013 resolution were met; and  
**WHEREAS**, the Town Board of the Town of Woodbury has reviewed the short form EAF prepared for the project;

**NOW, THEREFORE, BE IT HEREBY**

**RESOLVED**, that the Town Board of the Town of Woodbury hereby determines that the project is an unlisted action pursuant to Part 617 of the regulations implementing SEQRA; and it is further

**RESOLVED**, that the Town Board determines that the project will have no significant adverse impacts on the environment and issues a negative declaration for the project and authorizes the Town Supervisor to execute Part 3 of the EAF; and it is further

**RESOLVED**, that the Town Supervisor is authorized to execute all documents, easements, financing and related documents required to complete the purchase of the property.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Supervisor Burke	AYES
Councilman Arone	AYES
Councilman Hunter	AYES
Councilman Palermo	AYES
Councilman Prestia	AYES

c. BAN Resolution – Purchase of Property:

Motion was offered by Councilman Arone, seconded by Supervisor Burke, to adopt the following bond resolution of the Town of Woodbury, New York, authorizing the acquisition of land for general municipal use by the Town and certain site improvements thereon; stating the estimated maximum cost thereof is \$620,000; appropriating said amount for such purposes, including the expenditure of \$5000 available Town funds to pay a part of said appropriation as a down payment toward the acquisition cost; and authorizing the issuance of bonds in the principal amount of \$615,000 to finance the balance of said appropriation:

Section 1. (a) The Town of Woodbury, in the County of Orange, New York (herein called the "Town"), is hereby authorized to acquire land consisting of two parcels located at 42 Roselawn Road, Highland Mills, New York 10930 (approximately 6.3 acres designated on the Orange County Land and Tax Map as Section 218, Block 1, Lot 18.22) and 367 Route 32, Central Valley, New York 10918 (approximately 12.1 acres designated on the Orange County Land and Tax Map as Section 218, Block 1, Lot 22), for general municipal use by the Town. The estimated maximum cost of such acquisition, including preliminary costs and costs incidental thereto and the financing thereof, is \$500,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the expenditure of \$5,000 available Town funds to pay a part of said appropriation as a down payment toward the acquisition cost, the issuance of \$495,000 serial bonds of the Town to finance the balance of said appropriation, 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.

(b) The Town is hereby further authorized to undertake and complete certain site improvements to the parcels of land described in Section 1(a) hereof, including demolition of certain buildings or structures located thereon which are of no use to the Town; excavation, emptying and disposal of liquid fuel tanks located on the site; and any other related or ancillary work required in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$120,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$120,000 serial bonds of the Town to finance said appropriation, 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.

(c) The aggregate estimated maximum cost of the projects described above is \$620,000.

Section 2. Serial bonds of the Town in the principal amount of \$615,000 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 a part of said appropriation.

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

(a) The periods of probable usefulness applicable to the objects or purposes for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 21 and 88 of the Law, are in excess of five (5) years; however, the bonds hereby authorized, and any notes issued in anticipation of such bonds, shall mature within five (5) years after the date of issuance of the original bonds or notes issued to finance the project.

(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 not 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 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



## c. Resolution - Urban County Cooperation Agreement:

It was noted that Attorney Ossentjuk is currently negotiating with the County because he feels that a section of the agreement that relates to indemnification is not worded correctly. After a discussion, the Board agreed to adopt the resolution below that would authorize the Supervisor to sign the agreement but not until after Attorney Ossentjuk informs the Board of the outcome of the negotiations. Motion was then offered by Councilwoman Prestia, seconded by Councilman Arone, to adopt the following resolution authorizing the Town of Woodbury to enter into an amendment to the existing cooperation agreement dated July 8, 1993, as amended with the County of Orange for the purpose of undertaking Community Development and Home Programs for the program year commencing Federal Fiscal Years 2015, 2016, 2017 (and for successive three year qualification periods as provided for in the automatics renewal provision) pursuant to the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended:

**WHEREAS**, the Secretary of the U.S. Department of Housing and Urban Development ("HUD") authorized, under Title 1 of the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended to make grants to states and other units of general local government to help finance Community Development and Affordable Housing Programs; and

**WHEREAS**, it is desirable and in the public interest that the **Town of Woodbury** participate in aforesaid Community Development and HOME Programs for the program year commencing **Federal Fiscal Years 2015, 2016, 2017**, (and successive three year qualification period); and

**WHEREAS**, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more other municipal corporations, to apply for, accept and expend funds made available by the Federal government either directly or through the state, pursuant to the provisions of any Federal Law which is not inconsistent with the statutes or constitution of this state, in order to administer, conduct or participate with the Federal government in programs relating to the general welfare of the inhabitants of such municipal corporation; and

**WHEREAS**, applications for grants to finance Community Development and Affordable Housing Programs under the Housing and Community Development Act of 1974, as amended and the National Affordable Housing Act of 1990, as amended and any "eligible Activities" thereunder are not inconsistent with the statutes or constitution of this state; and

**WHEREAS, TOWN** shall take all actions necessary to assure compliance with the COUNTY'S certification under Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The COUNTY and the **TOWN** shall also comply with Section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975. Furthermore, the COUNTY and the **TOWN** shall comply with all other applicable New York State and Federal laws and regulations.

In addition, CDBG funding of activities in, or in support of, **TOWN** is prohibited if the **TOWN** does not affirmatively further fair housing within its own jurisdiction or the **TOWN** impedes COUNTY'S actions to comply with the COUNTY'S fair housing certification. **TOWN** shall indemnify, defend and hold harmless COUNTY from any non-compliance with affirmatively furthering fair housing by **TOWN** that results in funding sanctions or other remedial actions by the United States Department of Housing and Urban Development and/or the federal government against COUNTY.

**WHEREAS**, The **Town** as a cooperating unit of local government has adopted and is enforcing:

- a) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
- b) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within jurisdictions.

**WHEREAS**, participation by the County of Orange, as an urban county in the Community Development and HOME programs require that the **Town of Woodbury** and the County of Orange cooperate in undertaking or assisting in undertaking, community renewal and lower income housing assistance activities. Specifically urban renewal and publicly assisted housing, pursuant to said Act specifically those activities authorized by statutes and pursuant to Articles 9 and 17 of the New York State Constitution; and

**WHEREAS**, the County and **Town of Woodbury** will cooperate in developing Community Development and Affordable Housing Programs and applications for the Community Development Block Grant Entitlement Program and the HOME Investment Partnership ("HOME Program") which will be designed primarily for the purpose of meeting the priority needs and objectives of the participating localities based upon an inventory of the community development and housing needs developed mutually by local and County officials;

**WHEREAS, TOWN** may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the [Housing and Community Development] Act [of 1974]. This requirement is contained in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2014, Pub. L. 113-76.

**WHEREAS**, this **Town Board** deems it to be in the public interest for the **Town of Woodbury** to enter into an Amendment to the existing Cooperation Agreement dated July 8, 1993, as amended, with the County of Orange for the aforesaid purpose;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the **Supervisor** be and **he** hereby is authorized and directed to execute a Cooperation Agreement Amendment between the **Town of Woodbury** and the County of Orange for the purpose of undertaking Community Development and HOME Programs pursuant to the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended, for the program year commencing Federal **Fiscal Years 2015, 2016, 2017** (and successive three year qualification periods).

**ADOPTED**      AYES    5            Burke, Arone, Hunter, Palermo, Prestia  
                      NOES    0

**IV. Public Comment:**

Supervisor Burke stated he felt the Memorial Parade was very well planned and thought it was great that many residents participated by walking or watching. He added that the Community Association did a great job cooking afterwards.

Town Clerk Potvin noted that at the free rabies clinic held on May 18 approximately 160 animals were vaccinated. She also reminded the public that permits are needed for garage sales.

John Smith stated he attended the casino public hearing on June 13 and he felt the Town Board members had very good comments and questions. He felt most of the public comments were regarding the jobs that would be generated. He feels the vote of the Board should consider quality of life and

mitigation of our resources. He asked if the Board could state how the funds received from the casino would be distributed and how much is expected to be received. Councilman Arone stated he believes it was mentioned at the public hearing held by the Village Board and he was not sure if it was a set dollar amount or a percentage of sales.

Maria Hunter, speaking as Chairperson of the Village Planning Board, stated on June 18 at Village Hall there will be a public hearing on the Supplemental Environmental Impact Statement (SEIS) on the application of Flaum and Caesars. The Planning Board has begun working on the document and its impact on the emergency services and the environment. Once it is prepared the document will be put on the Village's website for public input. She stressed the Planning Board is doing its due diligence and will go through the all motions necessary. She noted that the applicants are aware they are proceeding at their own risk.

**V. Adjournment:**

With no further comments received or business to discuss, a motion was offered by Councilman Palermo, seconded by Councilman Arone, to adjourn the meeting at 8:05PM.

<b>ADOPTED</b>	AYES	5	Burke, Arone, Hunter, Palermo, Prestia
	NOES	0	

Desiree Potvin, Town Clerk