

Minutes of the Town Board Meeting held at Town Hall on December 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; Ralph Caruso, Supervisor-Elect; Robert Weyant, Highway Superintendent; Michael Queenan, Village Mayor; Maria Hunter and Chris Scibelli, Village Planning Board; David Sutz, Village Trustee; Richard Vasquez, Police Chief

**I. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to accept the minutes of the regular meeting held November 20, 2014.

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

Motion was then offered by Deputy Supervisor Palermo, seconded by Councilman Hunter, to accept the minutes of the worksession held December 1, 2014.

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

Councilwoman Prestia noted that she felt it was important for the minutes of December 1 to reflect that she wanted the issue regarding the Inter-Municipal Agreement with the Village not to be voted upon until the newly elected Supervisor assumes office and there would be a full Board present. She further stated that this request was "voted down". *NOTE – no vote was held on her request which is why none was recorded in said minutes.*

b. Approval of Abstract:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to approve Abstract 22 containing vouchers 20142728 – 20142786 and totaling \$234,707.78.

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

c. Budget Modifications:

Motion was offered by Councilman Arone, seconded by Deputy Supervisor Palermo, to approve a modification to the budget of the General Fund by increasing A599 (Appropriated Fund Balance) by \$7692 and increasing A1320.400 (Auditor Cont. Exp.) by \$7692.

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

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to approve a modification to the budget of the General Fund by increasing A2777 (Flaum Escrow/Caesars) by \$77,177 and increasing A1420.416 (Attorney/Caesars) by \$77,177.

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

Motion was offered by Councilperson Prestia, seconded by Deputy Supervisor Palermo, to approve a modification to the budget of the Beautification Commission by decreasing A8510.445 (Beautification Lease) by \$4000 and increasing A8510.431 (Holiday Decorations) by \$4000.

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

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to approve a modification to the budget of the Highway Fund totaling \$42,403 by decreasing DB5110.100 (Personal Services) by \$28,659, DB9010.800 (State Retirement) by \$13,774 and increasing DB5110.425 (Grounds/Weed Control) by \$3000, DB5110.448 (Miscellaneous) by \$911, DB5110.451 (Tools Inside) by \$545, DB5110.452 (Sand/Gravel) by \$868, DB5110.475 (Road Stripping) by \$1945, DB5130.417 (Flares/Oxygen) by \$203, DB5130.447 (Truck Repairs) by \$9000, DB5130.450 (Nut/Bolts) by \$120, DB5130.451 (Tools Outside) by \$2472, DB5130.454 (Oils/Tubes) by \$1546, DB5130.455 (Tires) by \$3500, DB5130.456 (Gas Pump Maint.) by \$3149, DB5130.468 (Sweeper Repair) by \$1400 and DB5130.466 (Salt/Liquid Calcium) by \$13,744.

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

Motion was offered by Councilwoman Prestia, seconded by Deputy Supervisor Palermo, to approve a modification to the budget of the Highway Fund by decreasing DB9050.800 (Unemployment) by \$800 and increasing DB5110.414 (Bonding/Legal) by \$800.

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

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to approve a modification to the budget of the Police Fund by decreasing B9015.800 (Retirement) by \$12,000 and increasing B3120.415 (Legal) by \$12,000.

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

Motion was offered by Deputy Supervisor Palermo, seconded by Councilman Hunter, to approve a modification to the budget of the Buildings/Grounds Department by increasing A2665 (Sale of Equipment) by \$1525 and increasing A1620.200 (Equipment) by \$1525.

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

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to approve a modification to the budget of the Buildings/Grounds Department by decreasing A1620.465 (Blacktopping) by \$600 and increasing A1620.416 (Uniforms) by \$600.

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

Motion was offered by Deputy Supervisor Palermo, seconded by Councilman Arone, to approve a modification to the budget of Camp Rez by increasing A2025 (Day Care Charges) by \$12,356 and increasing A7110.104 (Camp Rez Personal Services) by \$1882, A7110.430 (Day Camp Expenditures) by \$10,329 and A9030.801 (Camp Rez Social Security) by \$45.

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

Motion was offered by Councilman Arone, seconded by Councilwoman Prestia, to approve a modification to the budget of the Senior Center by increasing A2089 (Other Culture & Recreation) by \$4368, decreasing A7620.100 (Personal Services) by \$749 and increasing A7620.400 (Adult Recreation) by \$4368, A7620.401 (Telephone) by \$596 and A7620.411 (Office Supplies) by \$153.

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

d. 2015 Holiday Calendar:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to approve the 2015 Holiday Calendar for non-Union employees as follows: January 1 (New Year's Day), January 19 (Martin Luther King, Jr. Day), February 16 (President's Day), May 25 (Memorial Day), July 3

(Independence Day Observed), September 7 (Labor Day), October 12 (Columbus Day), November 11 (Veteran’s Day), November 26 (Thanksgiving Day), November 27 (Day After Thanksgiving), December 25 (Christmas Day), Floating Holiday and Birthday.

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

EXTRA ITEM – Appointment to Beautification Commission:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to appoint Robert Blair to the Beautification Commission effectively immediately.

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

**II. Old Business:**

a. Acceptance of Bids – Senior Center Roof Replacement:

Clerk Potvin stated a bid opening was held on November 26, 2014 for the project known as “Town of Woodbury Senior Center Roof Replacement”. The public notice was printed in the Times Herald Record on November 15, 2014 and the following bids were received:

Frank Stevens Roofing, Central Valley	Phase 1 - \$44,900	Phase 2 - \$42,800
Precision Roofing, Southfields	Phase 1 - \$107,800	Phase 2 - \$86,500

Correspondence was received from Engineer Fusco recommending that the bid be awarded to Frank Stevens Roofing. Motion was then offered by Councilman Hunter, seconded by Councilwoman Prestia, to accept the bid received from Frank Stevens Roofing for the Senior Center Roof Replacement project (Phase 1) totaling \$44,900 and the Highland Mills Library Roof Replacement project (Phase 2) totaling \$42,800.

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

b. Resolution – Opposition of O&R Rate Increase:

Motion was offered by Deputy Supervisor Palermo, seconded by Councilman Arone, to adopt the following resolution opposing the proposed rate increase by Orange & Rockland:

**WHEREAS**, Orange & Rockland Utilities, Inc., (hereinafter “O&R”), as a subsidiary of an investor-owned company, must demonstrate profitability to its shareholder; and

**WHEREAS**, O&R must very occasionally request from the Public Service Commission (hereinafter “PSC”) rate increases in order to sustain said profitability in light of increasing government fees, increasing property taxes, expanding services, inflation, and other variables; and

**WHEREAS**, the Town of Woodbury Town Board believes that a 6% increase to electric delivery and an 18% increase natural gas delivery is excessive given the financial hardship that many of Woodbury’s ratepayers presently face; and

**WHEREAS**, the Town of Woodbury Town Board believes that O&R can meet its financial responsibility to its shareholder with a far lower rate increase.

**NOW, THEREFORE, BE IT**

**RESOLVED** by the Town of Woodbury Town Board to oppose the O&R rate increase as it presently stands and urges the PSC to limit any increase to a more reasonable and sensitive level; and be it further

**RESOLVED** that a copy of this resolution will be sent to the Secretary of the NYS Public Service Commission, Assemblyman James Skoufis, Senator William Larkin and the President of the Orange County Association of Towns/Cities/Villages.

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

NOES 0

c. Approve Correction to Police Chief Contract:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to authorize the Deputy Supervisor to sign an amendment to the Police Chief contract to correct an omission under the health insurance provision. This revision addressed the buy-out offer if the Police Chief declines health insurance coverage.

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

**III. New Business:**

a. Advertise for Bids – CV Library Roof Replacement:

Motion was offered by Councilwoman Prestia, seconded by Councilman Arone, to authorize the Town Clerk to advertise for bids for the “Cornell Library Roof Replacement” project.

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

b. Advertise for Bids – Demolition on Town Property:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to authorize the Town Clerk to advertise for bids for the “Demolition of Buildings” project. This demolition will occur on the recently acquired property formerly owned by the owners of Gasho.

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

c. Authorize Deputy Supervisor to Sign – IMA with Village of Woodbury:

Councilman Arone noted that after the discussion held at the December 1 worksession he spoke to a lot of people about the proposed IMA and the transfer of responsibility. A few were making accusations of “back door deals” which are completely false and questioned the integrity of both the Town and Village board members. He stressed these comments are considered slander and that the Board members should not be bullied to vote one way or another on any issue. The Village was formed in 2006, which he did vote for, and when the original IMA was created in 2007 there were some oversights. He stressed that the Village is the entity that owns the roads and the existing IMA had expired. The Village has the right to form a DPW and if they did so, then the Town would have been required to lay off employees and/or pay for people and equipment that would not be used. If the Town opted to not negotiate the issue and the matter went to court the Town would lose and it would cost the taxpayers double to litigate and defend both sides of the issue. The agreement as negotiated will save all the jobs in the Highway Department and will also save taxpayers money. 98% of the residents he spoke to about the issue stated they don’t care which government does what as long as annexation is fought and taxes are kept low. The Village and Town Board worked closely on this issue and he feels it is the right thing to do for the taxpayers. Councilwoman Prestia stated a letter has been received from Supervisor-Elect Caruso requesting that this issue be tabled until after January 1 so that he has time to review the IMA. She is again requesting the vote be postponed. Deputy Supervisor Palermo thanked the members of the Village Board and Town Board for working together on this issue. He also acknowledged the work done by Attorneys McKay and Richard Golden.

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 authorizing the Deputy Supervisor to execute an inter-municipal agreement with the Village of Woodbury:

**WHEREAS**, the Town Board of the Town of Woodbury (the “Town”) and the Village Board of the Village of Woodbury (the “Village”) are authorized by New York General Municipal Law Article 5-g § 119-O to enter into inter-municipal agreements to promote the efficient and economic provision of governmental services within or by such participating municipalities; and

**WHEREAS**, in 2013, the New York State Legislature amended the General Municipal Law by adding new section 3-D, which sets forth the eligibility requirements for the real property tax freeze credit authorized by subsection (BBB) of section six hundred six of the Tax Law, for the fiscal year starting in 2016; and

**WHEREAS**, in order for its residents to be eligible for the tax freeze credit, section 3-D of the General Municipal Law requires, among other things, that each local government submit to the Director of the Budget by June 1, 2015 (or by May 15, 2015, if the Town is not the lead entity of a multiple entity plan) a government efficiency plan that demonstrates three year savings and efficiencies of at least one percent per year through shared services, cooperation agreements and/or mergers or efficiencies; and

**WHEREAS**, the Town and the Village, in order to take advantage of the tax freeze credit, wish to enter into an inter-municipal agreement that constitutes a government efficiency plan for the provision of shared services; and

**WHEREAS**, the Town Board has determined that the approval of an inter-municipal agreement is a Type II action pursuant to section 617.5(c)(20) of the regulations implementing SEQRA, requiring no further SEQRA review;

**NOW, THEREFORE, BE IT HEREBY**

**RESOLVED**, that the Deputy Supervisor is authorized to execute an inter-municipal agreement with the Village of Woodbury.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

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

d. Authorize Deputy Supervisor to Sign – IMA for Tactical Team Grant:

Councilwoman Prestia asked how this agreement came about and it was noted that at a previous meeting it was announced that a \$100,000 shared services grant was awarded for this initiative. Councilwoman Prestia asked if Attorney McKay has reviewed it and she was told he had not. She stated she is concerned that the agreement gives no authority to the Supervisor and she was told it wouldn't since the Chief of Police is in charge of police operations and not the Supervisor. Chief Vasquez added that he would continue to keep the Board apprised of issues in his office as he currently does. The board agreed that Attorney McKay should review the agreement but did not want to delay it's signing in fear that the grant could be withdrawn. Deputy Supervisor Palermo added that Sergeant Phillips has explained to him the grant program and that the agreement was written in conjunction with the grant's requirements. Councilwoman Prestia asked again if the Board was okay with the Supervisor not being involved and Councilman Arone stated this is a police operation and the Chief should not need permission from the Supervisor before doing his job. Motion was then offered by Councilman Arone, seconded by Councilwoman Prestia, to authorize the Deputy Supervisor to sign an inter-municipal agreement with the City of Newburgh for Police Tactical Team Cooperation, as permitted pursuant the Section 119-o of the General Municipal Law, subject to review as to content and form by the Attorney for the Town.

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



After ending the first executive session, a motion was offered by Councilman Arone, seconded by Councilman Hunter, to enter into an executive session again pursuant to Article 7 of the Public Officers Law to discuss the negotiations of the PBA Dispatcher Contract.

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

*No minutes of the executive session were recorded.*

**VI. Adjournment:**

With no further business to discuss or comments received, a motion was offered by Councilman Arone, seconded by Councilman Hunter, to end the executive session and adjourn the meeting at 8:50PM.

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

Desiree Potvin, Town Clerk