

Minutes of the Town Board Meeting held at Town Hall on November 17, 2016 at 7:30PM

Present: David Sutz, Supervisor  
Timothy Arone, Michael Essig, Robert Hunter and Frank Palermo, Councilmen  
Absent: None  
Also Present: Joseph McKay, Attorney for the Town; Neil Crouse, Village Trustees; Kevin Watson, Police Chief; John Smith, Parks Commissioner

**I. Public Hearings:**

a. Introductory Local Law #5 - Repeal Tax Cap Override:

A public hearing was held to consider the adoption of Introductory Local Law No 5 of 2016 which will repeal Local Law 4 of 2016 which was adopted September 15, 2016 and served to override the tax levy limit established in General Municipal Law Section 3-c for the Town's 2017 budget. The public notice was printed in the Times Herald Record on November 9, 2016 and no comments were received. Motion was then offered by Councilman Palermo, seconded by Councilman Essig, to close the public hearing.

**ADOPTED**      AYES    5            Sutz, Arone, Essig, Hunter, Palermo  
                     NOES    0

Motion was then offered by Councilman Palermo, seconded by Councilman Arone, to adopt the following resolution adopting Local Law 5 of 2016 and taking the required SEQRA actions:

**WHEREAS**, the Town Board hereby designates itself the "Lead Agency" with respect to the review of the proposed local law (the "Project") in accord with the New York State Environmental Quality Review Act ("SEQRA") and part 617 of the regulations implementing SEQRA, since there are no other agencies that have the authority to approve the Project; and

**WHEREAS**, the Town Board classifies this action as an unlisted action under SEQRA, and a public hearing was held by the Town Board in order to receive comments and suggestions regarding the adoption of the proposed local law repealing Local Law #4 of 2016, and to consider the possible adverse environmental impacts of the proposed local law pursuant to SEQRA, on November 17, 2016 at 7:30PM at the Town Hall, located at 511 Route 32, Highland Mills, New York.

**NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, by the Town Board of the Town of Woodbury, that the proposed local law to repeal Local Law #4 of 2016 has no potential adverse environmental impacts; issues a Negative Declaration with respect to the proposed local law and authorizes the Supervisor to execute the EAF prepared in connection with this action; and it is further

**RESOLVED**, that the Town Board of the Town of Woodbury hereby adopts Local Law 5 of 2016, entitled "A LOCAL LAW REPEALING LOCAL LAW #4 OF 2016, entitled a "LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-c", and hereby directs the Town Clerk to file this Local Law with the New York Secretary of State.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Supervisor Sutz	YES
Councilman Arone	YES
Councilman Essig	YES
Councilman Hunter	YES
Councilman Palermo	YES

A copy of the local law is printed on page 159 of this minute book.

b. Introductory Local Law #6 - Repeal Various Local Laws:

A public hearing was held to consider the adoption of Introductory Local Law No 6 of 2016 which will repeal several laws that are no longer under the jurisdiction of the Town of Woodbury since the incorporation of the Village of Woodbury. The public notice was printed in the Times Herald Record on November 9, 2016 and no comments were received. Motion was then offered by Councilman Arone, seconded by Councilman Palermo, to close the public hearing.

**ADOPTED** AYES 5 Sutz, Arone, Essig, Hunter, Palermo  
NOES 0

Motion was then offered by Councilman Hunter, seconded by Councilman Palermo, to adopt the following resolution adopting Local Law 6 of 2016 and taking the required SEQRA actions:

**WHEREAS**, the Town Board hereby designates itself the "Lead Agency" with respect to the review of the proposed local law (the "Project") in accord with the New York State Environmental Quality Review Act ("SEQRA") and part 617 of the regulations implementing SEQRA, since there are no other agencies that have the authority to approve the Project; and

**WHEREAS**, the Town Board classifies this action as an unlisted action under SEQRA, and a public hearing was held by the Town Board in order to receive comments and suggestions regarding the adoption of the Introductory Local Law #6 of 2016, and to consider the possible adverse environmental impacts of the proposed local law pursuant to SEQRA, on November 17, 2016 at 7:30PM at the Town Hall, located at 511 Route 32, Highland Mills, New York.

**NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, by the Town Board of the Town of Woodbury, that Introductory Local Law #6 has no potential adverse environmental impacts; issues a Negative Declaration with respect to the proposed local law and authorizes the Supervisor to execute the EAF prepared in connection with this action; and it is further

**RESOLVED**, that the Town Board of the Town of Woodbury hereby adopts Local Law 6 of 2016, entitled " A LOCAL LAW RESCINDING CHAPTERS 8, 57, 92, 96, 150, 272, 283, 310, 311, A314, A315 AND A316 OF THE TOWN CODE ", and hereby directs the Town Clerk to file this Local Law with the New York Secretary of State.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

Supervisor Sutz	YES
Councilman Arone	YES
Councilman Essig	YES
Councilman Hunter	YES
Councilman Palermo	YES

A copy of the local law is printed on page 160 - 161 of this minute book.

**II. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Councilman Palermo, seconded by Councilman Essig, to accept the minutes of the regular meeting held November 3, 2016.

**ADOPTED** AYES 5 Sutz, Arone, Essig, Hunter, Palermo  
NOES 0

b. Approval of Budget Modification:

Motion was offered by Councilman Palermo, seconded by Councilman Essig, to approve a modification to the budget of the Woodbury Common BID fund by increasing SMB599 (Appropriated Fund Balance) by \$4795 and increasing SMB3120.200 (Equipment - Car) by \$4795.

**ADOPTED** AYES 5 Sutz, Arone, Essig, Hunter, Palermo  
NOES 0

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve a modification to the budget of the General Fund by decreasing A1930.400 (Judgments & Claims) by \$600 and increasing A1920.400 (Municipal Association Dues) by \$600.

**ADOPTED** AYES 5 Sutz, Arone, Essig, Hunter, Palermo  
NOES 0

Motion was offered by Councilman Essig, seconded by Councilman Palermo, to approve a modification to the budget of the Woodbury Common BID fund by increasing SMB599 (Appropriated Fund Balance) by \$23,684 and increasing SMB3120.200 (Equipment- Car) by \$23,684.

**ADOPTED** AYES 5 Sutz, Arone, Essig, Hunter, Palermo  
NOES 0

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve a modification to the budget of the Police Fund by increasing B599 (Appropriations) by \$30,000 and increasing B3120.415 (Legal/PBA Contract) by \$30,000.

**ADOPTED** AYES 5 Sutz, Arone, Essig, Hunter, Palermo  
NOES 0

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to approve a modification to the budget of the Supervisor's Office by decreasing A1220.462 (Computer Supplies/Checks) by \$123 and increasing A1220.444 (Schools & Dues) by \$92, A1220.463 (Computer Software Maintenance) by \$31.

**ADOPTED** AYES 5 Sutz, Arone, Essig, Hunter, Palermo  
NOES 0

c. Approval of Abstract:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve Abstract 22 containing vouchers 20161978 - 20162064 and totaling \$241,910.42.

**ADOPTED** AYES 5 Sutz, Arone, Essig, Hunter, Palermo  
NOES 0

d. Acceptance of Resignation - PT Dispatcher:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to accept the resignation of Kevin Bonkoski from the position of part-time Dispatcher effective immediately.

**ADOPTED** AYES 5 Sutz, Arone, Essig, Hunter, Palermo  
NOES 0

e. Update to Grade/Step Schedule A:

Motion was offered by Councilman Essig, seconded by Councilman Palermo, to amend the Grade/Step Plan Exhibit "A" by adding the title "Principal Library Clerk B" to Grade V (eliminating "Principal Library Clerk") and adding the title "Principal Library Clerk A" to Grade VII.

**ADOPTED** AYES 5 Sutz, Arone, Essig, Hunter, Palermo  
NOES 0

**III. Old Business:**

EXTRA ITEM - Authorize Advertising for Bids:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to authorize the Town Clerk and Engineer to advertise for bids for the construction projects at the Central Valley Library being done in connection with the OCCD 2017 Block Grant.

**ADOPTED** AYES 5 Sutz, Arone, Essig, Hunter, Palermo  
NOES 0

#### **IV. New Business:**

##### **a. Schedule Interviews - Various Boards/Committees:**

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to schedule a special meeting to be held on December 8, 2016 at 7:30PM to interview individuals interested in volunteering to serve on various boards/committees.

**ADOPTED**      AYES    5            Sutz, Arone, Essig, Hunter, Palermo  
                  NOES    0

##### **EXTRA ITEM - Schedule a Public Hearing - Introductory Local Law 7 - Film & Video Productions:**

Motion was offered by Councilman Palermo, seconded by Councilman Essig, to schedule a public hearing to be held on December 1, 2016 at 7:30PM to entertain public comments on Introductory Local Law 7 of 2016 which will create a new Chapter 149 of the Town Code entitled "Film and Video Productions".

**ADOPTED**      AYES    5            Sutz, Arone, Essig, Hunter, Palermo  
                  NOES    0

Attorney McKay stated he has distributed the proposed law to the Board earlier this week and asked that comments be submitted to him so changes can be made prior to the hearing being held.

#### **V. Department Reports:**

##### **a. Supervisor's Report:**

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve the Supervisor's Report for October 2016 with receipts totaling \$560,329.31 and disbursements totaling \$773,533.19.

**ADOPTED**      AYES    5            Sutz, Arone, Essig, Hunter, Palermo  
                  NOES    0

- b. Town Clerk's Report - October 2016
- c. Buildings/Grounds Report - October 2016
- d. Animal/Goose Control Report - October 2016
- e. Police/Communications Report - October 2016
- f. Beautification Committee Minutes - No Meeting Held
- g. Library Minutes - October 25, 2016
- h. Parks/Recreation Minutes - October 18, 2016
- i. Budget vs. Actual - October 2016

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

#### **VII. Board Member Comments:**

Chief Watson reminded all that there will be increased traffic during the Thanksgiving holiday weekend and asked all residents to seek alternate routes if driving in the southern area of Town.

The Board collectively wished all a Happy and safe Thanksgiving. Councilman Hunter thanked all those that worked the recent election. Councilman Arone announced there are training sessions scheduled in early December for those that want to volunteer for the Friendly Visitor Program. Councilman Palermo stressed that the roads will be very congested during the Thanksgiving weekend. He also announced that November all individuals are urged to not shave to show support of local police. Councilman Essig announced Woodbury has been named the second safest town in New York based on FBI statistics in connection with reports from alarm monitoring companies.

Clerk Potvin thanked Jay's Deli for providing pizzas to the election workers on Election Day. She announced that Woodbury had a 71% voter turnout.

Supervisor Sutz stated earlier this week Mayor Michael Queenan, Chief Watson, Justice David Hasin, Tax Collector Carol Herb and he were "celebrity servers" at then Senior Center's annual Thanksgiving luncheon. Senior Center Director Richard Walls is conducting a collection drive to fill 200 stockings for active duty Marines and Soldiers in the Hudson Valley - collection boxes are at the Senior Center, Town Hall and Village Hall. The Women of Woodbury will be hosting their annual craft fair on November 26 at the Senior Center. He then congratulated Councilman Essig on being awarded the 2016 "People's Gratitude Award" from the Three Strohm Sisters Family Foundation. This foundation celebrates the collaborative effort between law enforcement officers from the United States, Canada and the United Kingdom. Councilman Essig is being recognized as an elected/government official that admirably and honorably conducts vital business of the citizenry.

**VIII. Adjournment:**

With no further comments received or business to discuss, a motion was offered by Councilman Palermo, seconded by Councilman Essig, to adjourn the meeting at 7:55PM.

**ADOPTED**      AYES    5            Sutz, Arone, Essig, Hunter, Palermo  
                     NOES    0

Desiree Potvin, Town Clerk

## LOCAL LAW NO 5 OF 2016

A LOCAL LAW REPEALING LOCAL LAW 5 OF 2016 ENTITLED, "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C", PREVIOUSLY ADOPTED ON SEPTEMBER 15, 2016.

Be it enacted by the Town Board of the Town of Woodbury as follows:

### **Section 1. Title**

This Local Law shall be referred to as "A LOCAL LAW REPEALING LOCAL LAW NO 4 OF 2016," entitled "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED BY GML § 3-c".

### **Section 2. Purpose and Legislative Intent**

Pursuant to General Municipal Law Section 3-D, upon the adoption of the budget by a local government unit, the Chief Executive Officer or Budget Officer of the local government wishing to render its taxpayers eligible for the real property tax freeze credit must: (i) certify that the budget adopted for the tax year in question does not exceed the tax levy limit; or (ii) if the governing body of the local government unit has enacted a local law or approved a resolution allowing the government unit to override the tax levy limit for the year in question, certify that such local law was subsequently repealed.

Therefore in order to comply with the requirements of section 3-D, Local Law No 4 of 2015, which was adopted on September 15, 2016 authorizing the Town of Woodbury to override the tax levy limit for 2017, is hereby repealed in its entirety.

### **Section 3. Authority**

This Local Law is enacted pursuant to Municipal Home Rule Law §10. This local law shall supersede any special law to the extent it is inconsistent with the same and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute. This local Law shall supersede any inconsistent local law.

### **Section 4. Rules and Regulations**

The Town Board is authorized to adopt rules and regulations, by resolution, to further implement the provisions of this local law.

### **Section 5. Severability**

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Town Board of the Town of Woodbury hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

### **Section 6. Repeal**

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

### **Section 7. Effective Date**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

## LOCAL LAW 6 OF 2016

A LOCAL LAW RESCINDING CHAPTERS 8, 57, 92, 96, 150, 272, 283, 310, 311, A314, A315 and A316 OF THE TOWN CODE OF THE TOWN OF WOODBURY

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WOODBURY AS FOLLOWS:

### **Section 1.**      **Title.**

This local law shall be referred to as “A Local Law Rescinding Chapters 8, 57, 92, 96, 150, 272, 283, 310, 311, A314, A315 and A316 of the Town Code”.

### **Section 2.**      **Legislative Intent.**

The Village of Woodbury was incorporated on August 28, 2006. Upon its incorporation, pursuant to the New York State Municipal Home Rule Law, the Village of Woodbury was empowered to adopt local laws, rules and regulations concerning its property and affairs. Pursuant to the New York State Village Law, for a period of two years subsequent to the creation of the Village of Woodbury, the Town of Woodbury code continued to be applicable to and govern within the boundaries of the village, so long as the village not had adopted legislation contrary to the provisions of the Town Code.

In the years since the incorporation of the Village of Woodbury, the village has assumed jurisdiction over numerous governmental functions and services previously performed by the town and has adopted its own local laws governing those functions. The village now has jurisdiction over, among other things, planning and zoning, building construction, and the operation and control of former special districts and town roads.

It is the intent of this Local Law to repeal a number of chapters of the Town Code that contain mere vestiges of the Town’s former jurisdiction and authority.

### **Section 3.**      **Repeal of Zoning Related Chapters.**

The following Chapters of the Town Code of the Town of Woodbury are repealed, effective at midnight on December 31, 2016:

- a) Chapter 8, entitled “Architectural Review Board”.
- b) Chapter 57, entitled “Planning Board”.
- c) Chapter 92, entitled “Bonding, Subdivision and Site Plans”.
- d) Chapter 96, entitled “Building Construction”.
- e) Chapter 150, entitled “Fire District”.
- f) Chapter 272, entitled “Subdivision of Land”.
- g) Chapter 283, entitled “Towing”.
- h) Chapter 310, entitled “Zoning”.
- i) Chapter 311, entitled “Zoning”.
- j) Chapter A314, entitled “Architectural Review Board Rules”.
- k) Chapter A315, entitled “Subdivision Contractors”.
- l) Chapter A316, entitled “Zoning Board of Appeals Rules”.

### **Section 4.**      **Authority.**

This Local Law is enacted pursuant to Municipal Home Rule Law § 10(1)(ii)(a)(12).

### **Section 5.**      **Separability**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Woodbury hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 6.**      **Repeal**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**Section 7.**      **Effective Date**

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.