

Minutes of the Town Board Meeting held at Town Hall on July 21, 2016 at 7:30PM

Present: David Sutz, Supervisor
Timothy Arone, Michael Essig, Robert Hunter and Frank Palermo, Councilmen
Absent: None
Also Present: Arthur Abbott, Police Lieutenant; Tracy Maggio, Clerk to the Supervisor; John Smith, Parks Commissioner; Anthony Mickolajczyk, Village Trustee; Maria Hunter and Sandra Capriglione, Village Planning Board

I. Administrative Business:

a. Acceptance of Minutes

Motion was offered by Councilman Arone, seconded by Councilman Essig, to accept the minutes of the regular meeting held July 7, 2016.

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

EXTRA ITEM - Budget Modification:

Motion was offered by Councilman Hunter, seconded by Councilman Palermo, to approve a modification to the budget of the General Fund by increasing A2770 (Unclassified Revenues) by \$4999 and increasing A7550.400 (Celebrations) by \$4999.

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

It was noted these funds were given to the Town from Orange County Tourism at the request of County Executive Steven Neuhaus.

b. Approval of Abstract:

Motion was offered by Councilman Hunter, seconded by Councilman Arone, to approve Abstract 14 containing vouchers 20161163 - 20161278 and totaling \$351,246.29.

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

II. Old Business:

a. Resolution - Referendum Election:

Motion was offered by Councilman Palermo, seconded by Councilman Essig, to adopt the following resolution of the Town of Woodbury, New York, adopted July 21, 2016, calling for and scheduling a special town election for the approval or disapproval of the bond resolution adopted by the Town Board on June 16, 2016, authorizing the issuance of bonds of the town in the maximum amount of \$8,500,000 to finance a part of the cost of construction of a new municipal building:

WHEREAS, on June 16, 2016, the Town Board of the Town of Woodbury, in the County of Orange, New York, adopted a bond resolution, subject to permissive referendum, authorizing the issuance of bonds in the maximum amount of \$8,500,000 to finance a part of the cost of construction of a new municipal building consisting of approximately 35,000 square feet, on a parcel of real property located at 455 Route 32, in the Town of Woodbury, and currently owned by the Village of Woodbury; and

WHEREAS, the estimated maximum cost thereof is \$9,000,000 and \$500,000 of such cost is expected to be paid by the Village of Woodbury and it is expected that Town shall either acquire title to such real property or enter into a lease agreement which shall provide that the Town shall have a leasehold interest in such property for a term at least as long as the term of the bonds, and the Town

further expects to enter into an agreement with the Village of Woodbury, pursuant to which the Village would be permitted to use a portion of the new municipal building for its own municipal purposes; and

WHEREAS, pursuant to Section 91 of the Town Law and Section 35.00 of the Local Finance Law, the bond resolution was subject to a permissive referendum and on July 14, 2016 the Town Clerk has received a petition signed by electors of the Town in number equal to at least 5% of the total vote cast for governor in the Town in the last general election, protesting against the bond resolution and requesting that it be submitted to the qualified voters of the Town for their approval or disapproval;

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF WOODBURY, IN THE COUNTY OF ORANGE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. A Special Town Election of the qualified voters of the Town of Woodbury, in the County of Orange, New York (herein called the "Town"), shall be held in said Town, on September 20, 2016, at 6:00 o'clock A.M. (Prevailing Time) and the polls shall remain open until 9:00 o'clock P.M. (Prevailing Time) or as much longer as may be necessary to enable the voters then present to cast their votes.

Section 2. The vote upon the Proposition to be submitted to the qualified voters shall be by voting machines and the Town Clerk is hereby authorized and directed to have the necessary ballot labels prepared for use in voting.

Section 3. A Proposition for the approval or disapproval of the bond resolution adopted on June 16, 2016 authorizing the issuance of \$8,500,000 bonds for the construction of a new municipal building, as described in the recitals hereto, shall be submitted as a Proposition to the qualified voters of the Town at said Special Town Election, and such bond resolution shall take effect only upon the approval of the Proposition by said voters of the Town at such Special Town Election. The Town Clerk is hereby authorized and directed to give notice of submission of such Proposition at said Special Town Election (a) by publishing, at least ten (10) days prior to such Special Town Election, a Notice thereof in form and substance as hereinafter set forth, at least once in the "*Times Herald Record*" a newspaper having general circulation in the Town, and hereby designated the official newspaper of the Town for such publication, and (b) by posting such notice at least ten (10) days prior to such Special Town Election on the sign-board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law. Said Notice shall be in substantially the following form:

**TOWN OF WOODBURY, NEW YORK
NOTICE OF SPECIAL ELECTION TO BE HELD ON
SEPTEMBER 20, 2016**

PLEASE TAKE NOTICE that a Special Town Election shall be held at on September 20, 2016, in the Town of Woodbury, in the County of Orange, New York, at the Town Hall, 511 Route 32, Highland Mills, New York. The polls shall remain open from 6:00 o'clock A.M. (Prevailing Time) until 9:00 o'clock P.M. (Prevailing Time) or as much longer as may be necessary to enable the voters then present to cast their votes. Such Special Town Election shall be conducted in accordance with procedures determined pursuant to applicable law and by the Orange County Board of Elections. The voting shall be by voting machines. The voting shall be on the following Proposition:

PROPOSITION

SHALL THE RESOLUTION ENTITLED: "Bond Resolution of the Town of Woodbury, New York, adopted June 16, 2016, authorizing the construction of a new municipal building; stating the estimated maximum cost thereof is \$9,000,000; appropriating said amount for such purpose, including the expenditure of not to exceed \$500,000 by the Village of Woodbury to pay a part of said cost; and authorizing the

issuance of bonds of the Town in the principal amount of not to exceed \$8,500,000 to finance the balance of said cost," BE APPROVED?

An abstract of said bond resolution, concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING the Town to construct a new municipal building consisting of approximately 35,000 square feet, on a parcel of real property located at 455 Route 32, in the Town of Woodbury, and currently owned by the Village of Woodbury. The Town shall either acquire title to such real property or enter into a lease agreement which shall provide that the Town shall have a leasehold interest in such property for a term at least as long as the term of the bonds. In addition, the Town expects to enter into an agreement with the Village of Woodbury, pursuant to which the Village would be permitted to use a portion of the new municipal building for its own municipal purposes; STATING the estimated maximum cost of the project, including preliminary costs, and costs incidental thereto and the financing thereof, is \$9,000,000; APPROPRIATING \$8,500,000 to pay a part of said cost; STATING the plan of financing includes the expenditure of not to exceed \$500,000 by the Village of Woodbury to pay a part of said cost, the issuance of not to exceed \$8,500,000 bonds of the Town to finance the balance of said cost, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$8,500,000 bonds of the Town pursuant to the Local Finance Law of the State of New York ("Law") to finance a part of said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued is twenty-five (25) years; the proceeds of the bonds may be used to reimburse the Town for expenditures made after the effective date hereof for the purpose for which said bonds are authorized; and the proposed maturity of said serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof, and other related powers and duties; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum and authorizing and directing the Town Clerk, within ten (10) days after the adoption thereof, to cause a Notice of permissive referendum to be published and posted.

Only qualified voters shall be permitted to vote.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF WOODBURY
DESIREE POTVIN, TOWN CLERK

Section 4. In addition to the foregoing, the Town Board hereby authorizes and directs the Town Clerk to do the following:

- a) To maintain and distribute copies hereof, ready for public review and inspection in the Office of the Town Clerk and any and all other locations deemed necessary by the Town Clerk and the Town Attorney to comply with New York State Law regarding referenda; and
- b) To take all necessary steps, with assistance of the Town Attorney, to ensure that such Proposition is properly placed before the duly qualified Electors of the Town at the Special Town Election to be held on September 20, 2016.

Section 5. In the event that the Proposition is approved by the qualified voters present and voting upon such Proposition, the Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, in the newspaper referred to in Section 3 hereof, and hereby designated the official newspaper of the Town for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 6. This resolution shall take effect immediately.

ADOPTED BY ROLL CALL AS FOLLOWS:

Supervisor Sutz	AYES
Councilman Arone	AYES
Councilman Essig	AYES
Councilman Hunter	AYES
Councilman Palermo	AYES

III. New Business:

a. Resolution - "Think Differently" Initiative:

Correspondence was received from Marcus Molinaro, Dutchess County Executive, regarding their "Think Differently" initiative. This initiative is to assist individuals with special needs and their families by promoting awareness and acceptance of all individuals. A motion was offered by Councilman Palermo, seconded by Councilman Arone, to adopt the following resolution calling on residents and business owners to adopt the "Think Differently" initiative to assist individuals with special needs and their families:

WHEREAS, the "Think Differently" initiative is about promoting awareness and acceptance of all people, and advocating for the inclusion of all individuals living on the Autism Spectrum and with special needs; and

WHEREAS, our State and communities are stronger because of our diversity and differences; and

WHEREAS, according to the Center for Disease Control (CDC) over 55 million people, or approximately 19% of Americans, have a type of disability or special need; and

WHEREAS, for some people with special needs, the very things that make them unique can also keep them on the sidelines, separate from those who might not understand their differences or uniqueness; and

WHEREAS, it is important to promote and provide guidance to those with special needs on how to access publically supported services available to them in the community; and

WHEREAS, it is important to encourage and education the community and businesses on ways they can make facilities and services more accessible and on how to train staff to welcome and support special needs customers and co-workers; and

WHEREAS, the goal of this initiative is to provide a supportive and inclusive environment for individuals of all abilities by supporting community events that expand family friendly opportunities for people with special needs and their families; and

WHEREAS, adopting the "Think Differently" initiative is an important statement with our Town officials, business owners and residents can make to show their support for the differently-abled children and adults with special needs, and their families.

NOW, THEREFORE, BE IT

RESOLVED by the Town Board of the Town of Woodbury to urge its residents and business owners to adopt the "Think Differently" initiative so that all are better prepared to communicate with, provide for, and support those living on the Autism Spectrum and with special needs.

ADOPTED AYES 5 Sutz, Arone, Essig, Hunter, Palermo

NOES 0

b. Authorize Letter of Support - OC Planning Smart Community Grant:

A request was received from the Orange County Planning Department for a letter of support to be written for a New York State Climate Smart Communities grant they are seeking. It is their intent to develop a county-wide Natural Resource Inventory, conduct a county-wide vulnerability assessment and develop a county-wide climate adaptation strategy. All agreed the Supervisor should send a letter of support. Motion was offered by Councilman Hunter, seconded by Councilman Essig, to authorize the Supervisor to send a letter of support.

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

c. Waiver of Garage Sale Permit Fee - Woodbury Lions Club:

Motion was offered by Councilman Palermo, seconded by Councilman Essig, to waive the \$5.00 garage sale application fee for all those that participate in the annual Woodbury Lions Club community yard sale scheduled for September 17, 2016.

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

d. Insurance Claim/Issue - Damage to Oak Clove Arches:

Several weeks ago damage was done to the Oak Clove archway. There was a witness to the incident but the individual was unable to get a license plate which prevented the Police Department from identifying the responsible person. Therefore the insurance company was contacted about the repairs, which will be approximately \$14,600. This archway was erected in 2014 as a joint effort of the Beautification Committee and then Town Highway Department (some funding was through the Beautification Committee budget). Pursuant to the insurance agent, the Town has \$10,000 coverage for this type of claim through its inland marine policy (detached signage). The Village does not, but is looking to have it added to their policy. To clarify further, the carrier automatically includes property coverage for detached signs and fences when they are located within 1000 feet of a scheduled building. That is not the case with this claim. If the Town processes the claim through their policy, the Village would cover the deductible (\$250) and any funds due over and above the covered amount (about \$4600). Councilman Arone recommends to the Board to file the claim since we are all one Woodbury. Motion was then offered by Councilman Arone, seconded by Councilman Hunter, to authorize the claim to be filed under the town's policy.

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

e. Authorize Engineer to Apply for Grant - Municipal Center

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to adopt the following:

WHEREAS the Town Board of the Town of Woodbury, Orange County, New York desires to submit an application for a grant under the Consolidated Funding Application (CFA) for the Municipal Building project.

RESOLVED by the Town Board of the Town of Woodbury, Orange County, New York, to authorize the Supervisor to submit said application for the CFA grant and further authorizes the Supervisor to sign any and all documents associated with this application.

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

IV. Department Reports:

a. Supervisor's Report:

Motion was offered by Councilman Essig, seconded by Councilman Arone, to approve the June 2016 Supervisor's Report with receipts totaling \$176,290.15 and disbursements totaling \$722,182.26.

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

- b. Town Clerk's Report - June 2016
- c. Parks/Recreation Minutes - June 21, 2016
- d. Animal/Goose Control Report - June 2016
- e. Police/Communications Report - June 2016
- f. Beautification Committee Minutes - June 9 and July 14, 2016
- g. Library Minutes - June 28, 2016
- h. Budget vs. Actual - June 2016

V. Public Comment:

John Smith asked about the grant for the municipal center authorized this evening. If it is awarded but the bond resolution gets voted down, can the funds be used for something else. Supervisor Sutz stated it could not be as it would be applied for the specific project. There may be an opportunity to submit a different application in the future if funds are still available.

Lieutenant Abbott stated the child car seat installation at kid's day was a success - 15 seats were tested and/or installed. Two officers, Jahn Farrell and Chris Caruso, have finished their certifications to correctly install car seats. The Department, with the Monroe Police Department, just completed another self-defense class for women - this time high school/college aged. There is a class being held in August sponsored by the Parks Department and Supervisor Sutz noted there is currently a wait list. Supervisor Sutz noted further that he spoke with Sergeant Bourke about budgeting to offer this class quarterly starting next year.

VI. Board Member Comment:

The Board collectively thanked the Police Department for all they do for the community. It was stressed that the Police Department is fully supported by both the Town and the Village. The public was urged to show their support for the Police Department however they can.

Councilman Palermo stated he attended Kids Day at Earl Reservoir and felt it was a great event. It was the first time he was there to see the Fire Department spraying the people in the water with their hoses and it thought it was really cool. He thanked the Highland Mills Fire Company, the Parks Department and all that participated.

Supervisor Sutz stated that the State has declared a state-wide drought watch. The Village Water/Sewer Department is requesting all resident to conserve as much as possible and limit the outdoor watering of lawns to two times per week. He then provided a update to the community of various things the Town Board has accomplished over the past month – bids are out for a security system at both parks, a vote has been scheduled for the funding of the proposed municipal building; asbestos medication will be starting August 1 and should take 2-3 weeks, Town Hall is on summer hours until September 2, some parks events were held (500+ residents attended kids day, adult date night had an attendance of 100+ residents), a new telephone system at Town Hall and other municipal

departments is in the process of being installed, the Police Department hosted an award/recognition event, a ribbon cutting ceremony was held at Hudson Valley Seafood and A Better Place Bar and Grill.

7:55PM - Executive Session:

Motion was offered by Councilman Arone, seconded by Councilman Essig, to enter into an executive session to discuss one item leading to the discipline of a particular person.

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

No minutes of the executive session were recorded.

VIII. Adjournment:

With no further business to discuss or comments received, a motion was offered by Councilman Arone, seconded by Councilman Essig, to end the executive session and adjourn the meeting at 9:05PM.

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

Desiree Potvin, Town Clerk