

Minutes of the Town Board Meeting held at Town Hall on June 16, 2016 at 7:30PM

Present: David Sutz, Supervisor  
Michael Essig, Robert Hunter and Frank Palermo, Councilmen  
Absent: Timothy Arone, Councilmen  
Also Present: Joseph McKay, Attorney for the Town; Al Fusco, Arthur Abbott, Police Lieutenant; John Smith, Parks Commission; Dorothy Morris, Library Board; Tracy Maggio, Clerk to the Supervisor; Michael Queenan, Village Mayor; Neil Crouse, Timothy Egan, Thomas Flood and Anthony Mickolajczyk, Village Trustees; Maria Hunter and Sandra Capriglione, Village Planning Board; Andrew Giacomazza, Village Zoning Board

**Presentation/Acknowledgment - John P Burke Scholarship Winners:**

Adrienne Fuchs, daughter for former Supervisor John Burke, presented and introduced the following individuals that were awarded the John P Burke Scholarships this year: Meagan Blair, Erin Bourke, Desiree Lynch and Madeline Leonard. Each were congratulated and wished success in their educational futures.

**I. Public Hearing:**

a. Introductory Local Law 3 - Modifying the Compensation of Town Justice David Hasin:

A public hearing was held to entertain public comments on the adoption of Introductory Local Law 3 of 2016 which would modify the salary of Justice David Hasin while he covers the docket of retired Justice David Levinson beginning July 1, 2016 through December 31, 2016. The public notice was printed in the Times Herald Record on June 8, 2016. The following comments were received:

Amidee Haviland asked the Board why they are not appointing someone to the vacant position. Supervisor Sutz stated the Board was asked by the Town Justices to not fill the position so that it would not give a person an advantage when running for election. Justice Hasin has asked the Board to allow him to take over the docket and the Board is respecting their wishes.

With no further comments received, a motion was offered by Councilman Palermo, seconded by Councilman Hunter, to close the public hearing.

**ADOPTED** AYES 3 Sutz, Hunter, Palermo  
NOES 0

Motion was then offered by Councilman Essig, seconded by Councilman Palermo, to declare this action as having a negative declaration under SEQRA and to authorize the Town Clerk to file the local law with the Secretary of State.

**ADOPTED** AYES 3 Sutz, Hunter, Palermo  
NOES 0

Motion was then offered by Councilman Palermo, seconded by Councilman Essig, to adopt Local Law 2 of 2015 entitled "Compensation of Town Justice David Hasin" as printed at the end of these minutes.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

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

**II. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to accept the minutes of the regular meeting held June 2, 2016.

**ADOPTED** AYES 4 Sutz, Essig, Hunter, Palermo  
NOES 0

b. Approval of Abstract:

Motion was offered by Councilman Essig, seconded by Councilman Palermo, to approve Abstract 12 containing vouchers 20160936 - 20161027 totaling \$183,230.34.

**ADOPTED** AYES 4 Sutz, Essig, Hunter, Palermo  
NOES 0

c. Approval of Budget Modification:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve a modification to the budget of the Library by decreasing L7410.200 (Equipment) by \$850 and increasing L7410.413 (Cornell Improvements) by \$850.

**ADOPTED** AYES 4 Sutz, Essig, Hunter, Palermo  
NOES 0

d. Standard Work-Day Resolution:

Motion was offered by Councilman Essig, seconded by Councilman Palermo, to establish the following as the standard work days for elected and appointed officials and will report the following days to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of the body:

Title	Name	Social Security Number (last 4 digits)	Registration Number	Standard Work Day (hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Average Days Reported (per month)
<b>Elected Officials</b>							
Supervisor	David Sutz	████	██████████	8	1/1/2016 - 12/31/2017	No	22.17

**ADOPTED** AYES 4 Sutz, Essig, Hunter, Palermo  
NOES 0

e. Schedule Informational Meeting with Village Board - June 30, 2016:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to schedule a special meeting of the Town Board to be held jointly with the Village Board at 7:30PM on June 30, 2016 to provide an informational session for the public to explain and answer questions about the proposed Municipal Center.

**ADOPTED** AYES 4 Sutz, Essig, Hunter, Palermo  
NOES 0

**III. Old Business:**

EXTRA ITEM - SEQRA Actions for Municipal Center Bonding:

*Lead Agency* - It was noted that the Town Board has received no challenge for Lead Agency designation. Therefore, a motion was offered by Councilman Palermo, seconded by Councilman Hunter,

to resolve that based on the Town Board's Notice of Intent to be Lead Agency and no challenges to said designation, that the Town Board of the Town of Woodbury hereby declares the Town Board of the Town of Woodbury to be Lead Agency to conduct coordinated review in the Woodbury Municipal Building Project.

**ADOPTED** AYES 4 Sutz, Essig, Hunter, Palermo  
NOES 0

*Negative Declaration* - Motion was offered by Councilman Essig, seconded by Councilman Hunter, to resolve that based on the Town of Woodbury Town Board's review and consideration of the Project, Full Environmental Assessment Form, supplementary technical information and consideration of the criteria for determining significance set forth in 6 NYCRR 617.7(c), the Project as designed and set forth herein will not result in any significant impact to the environment.

**ADOPTED** AYES 4 Sutz, Essig, Hunter, Palermo  
NOES 0

*Type the Action* - Motion was offered by Councilman Hunter, seconded by Councilman Palermo, to adopt the following resolution:

**WHEREAS**, the Town of Woodbury is considering proposing a new municipal building project;  
and

**WHEREAS**, the Town has cause to have prepared a Full Form Environmental Assessment under the State Environmental Quality Review Act; and

**WHEREAS**, the Town Board has assumed Lead Agency status; and

**WHEREAS**, the Town Board has taken and determined that the application process to be a coordinated review and a unlisted action.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Board of the Town of Woodbury determines, based on the information and analysis in the Long Form EAF and supporting documentation, that the proposed action will not result in any significant adverse environmental impacts and further authorizes the Supervisor to sign the SEQRA documents accordingly.

**ADOPTED** AYES 4 Sutz, Essig, Hunter, Palermo  
NOES 0

a. Bond Resolution - Municipal Center:

Motion was offered by Councilman Hunter, seconded by Councilman Palermo, to adopt the following 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 the Town Board of the Town of Woodbury, in the County of Orange, New York, hereby resolves (*by the favorable vote of not less than two-thirds of all the members of said town board*) as follows:

**Section 1.** The Town of Woodbury, in the County of Orange, New York (herein called the "Town"), is hereby authorized 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. The estimated maximum of the project, including preliminary costs and costs incidental thereto and the financing thereof, is \$9,000,000

and said amount is hereby appropriated for such purpose. 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 bonds of the Town in an amount not to exceed \$8,500,000 to finance the balance of said cost, 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.

**Section 2.** Bonds of the Town in the principal amount of not to exceed \$8,500,000 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 period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Sections 11.00 a. 11 (b) of the Law, is twenty-five (25) years.
- 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 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 of the Law 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
- b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- c) such obligations are authorized in violation of the provisions of the constitution.

**Section 7.** This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published in "*Times Herald Record*," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF WOODBURY, NEW YORK

PLEASE TAKE NOTICE that on June 16, 2016, the Town Board of the Town of Woodbury, in the County of Orange, New York, adopted a bond 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,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said 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 said amount for such purpose; 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 not to exceed \$8,500,000 bonds of the Town pursuant to the Local Finance Law of the State of New York to finance a part of said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is twenty-five (25) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said 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

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

BY ORDER OF THE TOWN BOARD

**Section 8.** The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper 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.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

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

The resolution was declared adopted.

**EXTRA ITEM - Settlement of Tax Certioraris:**

*Swami, LLC* - Motion was offered by Councilman Essig, seconded by Councilman Hunter, to adopt the following resolution of the Town Board of the Town of Woodbury authorizing the law firm of Catania, Mahon, Milligram & Rider, PLLC to settle the matter of *Swami, LLC v. the Assessor of the Town of Woodbury and the Board of Assessment Review of the Town of Woodbury (years 2011, 2012, 2013, 2014 & 2016)* and execute any necessary documents pursuant to the settlement:

**WHEREAS**, actions were filed by Swami, LLC pursuant to Article 7 of the New York Real Property Tax law challenging the 2011, 2012, 2013 & 2014 tax assessments applied against a certain parcel owned by Swami, LLC located in the Town of Woodbury identified on the tax maps and assessment rolls of the Town of Woodbury as Section 226, Block 2, Lot 9.1; and

**WHEREAS**, Swami, LLC sought the following reductions:

- a) in the 2011 assessment a reduction from \$950,000.00 to \$350,000.00 a proposed reduction of \$600,000.00;
- b) in the 2012 assessment a reduction from \$950,000.00 to \$350,000.00 a proposed reduction of \$600,000.00;
- c) in the 2013 assessment a reduction from \$950,000.00 to \$657,000.00 a proposed reduction of \$293,000.00;
- d) in the 2014 assessment a reduction from \$855,000.00 to \$642,150.00 a proposed reduction of \$212,850.00; and

**WHEREAS**, the Petitioner in a meeting with the Town Assessor requested a reduction in the 2015 assessment of Section 226, Block 2, Lot 9.1 from 855,000 to 800,000 a proposed reduction of 55,000; and

**WHEREAS**, the new assessment would result in a refund to the Petitioner of approximately: 226-2-9.1 School, \$3312 +/-; Town, \$712 +/-; County, \$505 +/-; Village, \$182 +/-

**WHEREAS**, the Town Assessor, after performing a detailed analysis of the 2011-2014 assessments of Section 226, Block 2, Lot 9.1 and the offers and counteroffers, which had been proposed along with the requested reduction of the 2015 assessment by Petitioner, proposed that the 2015 assessment be reduced to a new assessment of 800,000 and that the 2011-2014 assessments remain as they were and that the Petitions for the years 2011-2014 be discontinued; and

**WHEREAS**, the new assessment would result in no refund to the Petitioner; and

**WHEREAS**, Petitioner, Swami, LLC, is willing to accept the reduction proposed by the Town Assessor and has signed a stipulation to that effect; and

**WHEREAS**, Petitioner, through its attorney, has agreed to discontinue the years 2011-2014 in consideration of the aforementioned reduction; and

**WHEREAS**, the Town Board of Woodbury has discussed and considered the issues related to the settlement of this matter; and

**WHEREAS**, the Town Board of the Town of Woodbury finds that it is in the best interest of the Town of Woodbury to settle this matter and is willing to accept the reduction in the assessment proposed by the Town Assessor for the 2015 tax year from 855,000 to 800,000; and

**NOW, THEREFORE, BE IT HEREBY**

**RESOLVED**, that the Town's attorneys Catania, Mahon, Milligram and Rider, PLLC shall have the authority to settle the matter described herein on behalf of the Town of Woodbury and the Board directs the Town's attorneys to execute the stipulation of settlement and any other necessary documents on behalf of the Town of Woodbury.

**ADOPTED**      AYES    4            Sutz, Essig, Hunter, Palermo  
                     NOES    0

*Research Center on Natural Conservation* - Motion was offered by Councilman Palermo, seconded by Councilman Essig, to adopt the following resolution of the Town Board of the Town of Woodbury authorizing the law firm of Catania, Mahon, Milligram & Rider, PLLC to settle the following matter *Research Center on Natural Conservation, Inc. v. Assessor of the Town of Woodbury, the Board of Assessment Review of the Town of Woodbury and the Town of Woodbury New York (year 2015)* and execute any necessary documents pursuant to the settlement:

**WHEREAS**, an action was filed by Research Center on Natural Conservation, Inc. ("Research Center") pursuant to Article 7 of the New York Real Property Tax law challenging the 2015 tax assessments applied against certain parcels owned by Research Center on Natural Conservation, Inc. located in the Town of Woodbury identified on the tax maps and assessment rolls of the Town of Woodbury as (i) Section 233, Block 1, Lot 7.23; (ii) Section 233, Block 1, Lot 7.1 & (iii) Section 233, Block 1, Lot 6; and

**WHEREAS**, Research Center sought the following reductions:

- a) a reduction in the 2015 assessment for Section 233, Block 1, Lot 7.23 from \$451,000.00 to \$90,220.00 (a reduction of \$360,780.00);
- b) a reduction in the 2015 assessment for Section 233, Block 1, Lot 7.1 from \$417,300.00 to \$83,460.00 (a reduction from \$333,840.00); and
- c) a reduction in the 2015 assessment for Section 233, Block 1, Lot 6 from \$1,679,600.00 to \$335,920.00 (a reduction of \$1,343,680.00); and

**WHEREAS**, the Town Assessor, after performing a detailed analysis of the 2015 assessment of Sections Section 233, Block 1, Lot 7.23, 7.1 & 6 and the offers and counteroffers, which had been proposed, proposed that the 2015 assessment be reduced as follows:

- a) Section 233, Block 1, Lot 7.23 reduced to \$383,400.00;
- b) Section 233, Block 1, Lot 7.1 reduced to \$354,700.00; and
- c) Section 233, Block 1, Lot 6 reduced to \$1,427,700.00; and

**WHEREAS**, the new assessment would result in a refund to the Petitioner of:

- a) 233-1-7.23: School, \$4,070+/-; Town, \$875+/-; County, \$621+/-; Village, \$224+/-
- b) 233-1-7.1: School, \$3,800+/-; Town, \$811+/-; County, \$575+/-; Village, \$208+/-
- c) 233-1-6: School, \$15,169+/-; Town, \$3,262+/-; County, \$2,312+/-; Village, \$836+/-; and

**WHEREAS**, pursuant to Section 727 of the New York Real Property Tax Law, the assessment fixed for 2016 would be frozen as to Sections 237, Block 2, Lots 1.21 & 4.1 for the 2016, 2017 and 2018 tax years; and

**WHEREAS**, Petitioner, Research Center, through its attorney, is willing to accept the reduction proposed by the Town Assessor and has signed a stipulation to that effect; and

**WHEREAS**, the Town Board of Woodbury has discussed and considered the issues related to the settlement of this matter; and

**WHEREAS**, the Town Board of the Town of Woodbury finds that it is in the best interest of the Town of Woodbury to settle this matter and is willing to accept the reduction in the assessment proposed by the Town Assessor from \$415,000.00 to \$383,400.00 for Section 233, Block 1, Lot 7.23, from \$417,300.00 to \$354,700.00 for Section 233, Block 1, Lot 7.1 and from 1,679,600.00 to \$1,427,700.00 to for Section 233, block 1, Lot 6; and

**NOW, THEREFORE, BE IT HEREBY**

**RESOLVED**, that the Town's attorneys Catania, Mahon, Milligram and Rider, PLLC shall have the authority to settle the matter described herein on behalf of the Town of Woodbury and the Board directs the Town's attorneys and/or the Town Supervisor to execute the stipulation of settlement and any other necessary documents on behalf of the Town of Woodbury.

**ADOPTED**      AYES    4            Sutz, Essig, Hunter, Palermo  
                     NOES    0

*Timber Trail, LLC* - Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to adopt the following resolution of the Town Board of the Town of Woodbury authorizing the law firm of Catania, Mahon, Milligram & Rider, PLLC to settle the matter *Timber Trail, LLC v. the Town of Woodbury its Assessor and Board of Assessment Review (year 2015)* and execute any necessary documents pursuant to the settlement:

**WHEREAS**, an action was filed by Timber Trail, LLC pursuant to Article 7 of the New York Real Property Tax law challenging the 2015 tax assessments applied against two certain parcels owned by Timber Trail, LLC located in the Town of Woodbury identified on the tax maps and assessment rolls of the Town of Woodbury respectively as Section 237, Block 2, Lot 1.21 & Section 237, Block 2, Lot 4.11; and

**WHEREAS**, Timber Trail, LLC sought the a reduction in the 2015 assessment for Section 237, Block 2, Lot 1.21 a reduction from \$64,200.00 to \$29,925.00 (a reduction of \$34,275.00) & in the 2015 assessment for Section 237, Block 2, Lot 4.11 a reduction from \$42,800.00 to \$18,385.00 (a reduction of \$24,415.00); and

**WHEREAS**, the Town Assessor, after performing a detailed analysis of the 2015 assessment of Sections 237, Block 2, Lots 1.21 & 4.11 and the offers and counteroffers, which had been proposed, proposed that the 2015 assessment be reduced to \$48,400.00 and \$32,100.00 respectively; and

**WHEREAS**, the new assessment would result in a refund to the Petitioner of approximately:

a) 237-2-1.21: School, \$950 +/-; Town, \$205 +/-; County, \$145 +/-; Village, \$52 +/-

b) 237-2-4.11: School, \$644 +/-; Town, \$139 +/-; County, \$98 +/-; Village, \$35 +/-

**WHEREAS**, pursuant to Section 727 of the New York Real Property Tax Law, the assessment fixed for 2016 would be frozen as to Sections 237, Block 2, Lots 1.21 & 4.1 for the 2016, 2017 and 2018 tax years; and

**WHEREAS**, Petitioner, Timber Trails, LLC, through its attorney, is willing to accept the reduction proposed by the Town Assessor and has signed a stipulation to that effect; and

**WHEREAS**, the Town Board of Woodbury has discussed and considered the issues related to the settlement of this matter; and

**WHEREAS**, the Town Board of the Town of Woodbury finds that it is in the best interest of the Town of Woodbury to settle this matter and is willing to accept the reduction in the assessment proposed by the Town Assessor from \$64,200.00 to \$48,400.00 for Section 237, Block 2, Lot 1.21 and from \$42,800.00 to \$32,100.00 for Section 237, Block 2, Lot 4.1; and

**NOW, THEREFORE, BE IT HEREBY**

**RESOLVED**, that the Town’s attorneys Catania, Mahon, Milligram and Rider, PLLC shall have the authority to settle the matter described herein on behalf of the Town of Woodbury and the Board directs the Town’s attorneys and/or the Town Supervisor to execute the stipulation of settlement and any other necessary documents on behalf of the Town of Woodbury.

**ADOPTED**      AYES    4            Sutz, Essig, Hunter, Palermo  
                     NOES    0

EXTRA ITEM - Authorize Appeal of Court Decision:

Motion was offered by Councilman Palermo, seconded by Councilman Essig, to adopt the following resolution authorizing special counsel to file a notice of appeal of the decision and order of the Albany County Supreme Court Justice (Hon. Henry F. Zwack):

**WHEREAS**, the Town of Woodbury (hereinafter the “Town”) retained the services of Feerick Lynch MacCartney PLLC (now Feerick Lynch MacCartney & Nugent, PLLC) to represent the Town in an Article 78 proceeding entitled In the Matter of Woodbury, et al., v. Seggos, et al., (Albany Supreme Court, Index # 5580-15); and

**WHEREAS**, the Supreme Court of the County of Albany (Hon. Henry F. Zwack) issued a Decision and Order (“Decision”) dated May 19, 2016, dismissing the Petition-Complaint of the Petitioners, including the Town, in that proceeding; and

**WHEREAS**, the Town desires to preserve its rights to pursue an appeal of the Decision to seek reversal of the Decision of the Albany County Supreme Court; and

**WHEREAS**, the Town desires its counsel, Feerick Lynch MacCartney & Nugent, PLLC, to prepare and file the required Notice of Appeal and any other required documents on behalf of the Town.

**THEREFORE BE IT RESOLVED**, that:

- 1) The above "Whereas" are incorporated by reference as if set forth fully herein.
- 2) The Town Board hereby authorizes Feerick Lynch MacCartney & Nugent, PLLC (“Special Counsel”) to prepare and file a Notice of Appeal, pre-calendar statement and any other documents necessary to preserve the Town's right to appeal the Decision under the same terms and conditions as Special Counsel has previously represented the Town.
- 3) The Supervisor is hereby authorized to take any and all necessary actions and execute all necessary documents to carry out the provisions of this Resolution.
- 4) This Resolution shall be effective immediately.

**ADOPTED**      AYES    4            Sutz, Essig, Hunter, Palermo  
                     NOES    0

**IV. New Business:**            *There was no old business to discuss.*

**V. Department Reports:**

a. Supervisor’s Report - May 2016

Motion was offered by Councilman Hunter, seconded by Councilman Essig, to approve the Supervisor's Report for May 2016 with receipts totaling \$289,178.66 and disbursements totaling \$1,135,329.11.

**ADOPTED**      AYES    4            Sutz, Essig, Hunter, Palermo  
                     NOES    0

b. Town Clerk’s Report - May 2016

c. Parks/Recreation Minutes - May 17, 2016

d. Animal/Goose Control Report - May 2016

e. Police/Communications Report - May 2016

f. Beautification Committee Minutes - None Received

g. Library Minutes - May 31, 2016

h. Budget vs. Actual - December 2015, May 2016

**VI. Board Member Comment:**

Councilman Hunter thanked Police Officer Castro and congratulated him on the award he was given by the School District for his work with the children and students there.

Councilman Palermo stated on June 18 there is a grand opening celebration being held by Hudson Valley Seafood starting at noon. The public is invited to attend. He then thanked the entire Village Board for attending the meeting this evening.

Supervisor Sutz stated there is a lot of information circulating the community regarding the proposed new municipal center - some correct and some incorrect. He read a prepared statement addressing some of the inaccuracies and provided back ground information of the history to date of buildings/property looked into and why what is being proposed was chosen. He reminded the public that there is an informational meeting scheduled for June 30 at 7:30PM at which time all that want to speak or ask questions can do so and they will be answered as best as possible.

**VII. Public Comment:**

Lieutenant Abbott noted that graduation is scheduled for 6PM on June 24. Police will be present to assist with traffic control, especially at the entrance to Woodbury Junction. He announced the Departments Facebook® page has over 1000 likes. He then reminded all females 14 years of age and older that the Department, with the Parks Commission, will be offering a self-defense class on August 11 and 18, commitment is needed for both evenings and space is limited.

Susan Ciriello asked if the Police will be permitting parking in the Woodbury Junction development for graduation. Lieutenant Abbott stated it is not encouraged nor is it recommended. An Officer will be stationed there and will do their best to ensure no parking occurs.

Welling Feliz asked if "No Parking" signs can be posted in the Woodbury Junction development. Lieutenant Abbott stated his Department can do so at the entrance on Dunderberg Road but since the roads of that development are private they cannot do so inside. Supervisor Sutz asked if the Police Department can provide the signs to the residents for them to erect and Lieutenant Abbott stated he will do so.

The following individuals commented on the proposed Municipal Plan, some a length. They stressed their concerns and made suggestions to the plan proposed: James Freiband, Christine DerOhannesian, Wayne Corts, Saeideh Moslem, Willa Freiband, Dorothy Morris, and Mayor Queenan. Supervisor Sutz urged all that spoke on this issue at this meeting to bring their comments to the June 30 scheduled public informational meeting where they will be addressed by Board members and/or consultants that will be present.

John Smith stated he heard a rumor and asked for confirmation. Was there a drilling accident by workers on the Kiryas Joel pipeline that caused spillage, was the DEC there and did the Board receive a report? Supervisor Sutz stated there was an incident Thursday of last week and tickets were issued by the DEC. He heard there was a second incident on Friday. No formal notification was provided to the Town or Village. The Mayor and he conducted a site visit of the area and were told by a quarry worker that at about 2PM the creek was cloudy but by 4PM it was clear. Supervisor Sutz contacted Assemblyman Skoufis for this assistance in getting information from the DEC.

Maria Hunter congratulated all graduating seniors, their parents and the recipients of the John Burke scholarships. She announced that the Highland Mills Fire Company and the Woodbury Town Board will be cosponsoring a fireworks display on July 2 starting at dusk at the MW ball fields and there will be touch-a-truck there as well. As Chairperson of the Beautification Committee (which is funded mostly from rental property) she announced that a Town Clock has been erected on the Police Department property. She also encouraged all females to attend the self-defense class being offered, noting that it is important to know how to protect yourself and others. She announced that there are two golf outings soon - August is the HMFC and September the Lions Club.

Ben Meyers addressed the properties in Town that are letting their grass grow out of control. Supervisor Sutz stated he has spoken with the Building Inspector and it is being addressed. The realtor and bank/owner has been contacted several times to get the work done. If it is not, then fines will be issued.

**VIII. Executive/Closed Session** *(if necessary):*    *None held*

**IX. 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 9:15PM.

<b>ADOPTED</b>	AYES	4	Sutz, Essig, Hunter, Palermo
	NOES	0	

Desiree Potvin, Town Clerk

## LOCAL LAW NO 3 OF 2016

### A LOCAL LAW MODIFYING THE COMPENSATION OF TOWN JUSTICE DAVID HASIN

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

#### **Section 1 Legislative Intent**

It is the intention of this Local Law to modify the salary paid to one of the Town's Justices in consideration of that Justice undertaking additional duties and responsibilities on a short-term basis as required for the efficient functioning of the Town of Woodbury Justice Court.

#### **Section 2 Findings**

The Town Board of the Town of Woodbury finds that immediate measures are needed to ensure that the Town Justice Court is administered efficiently and that matters are adjudicated in a timely manner to protect the rights of individuals appearing therein. Given all the shopping attractions and the major transportation crossroads located within the Town of Woodbury, the Town of Woodbury Justice Court has an extremely high-volume docket. The proper and efficient functioning of the Court requires the attention of two (2) sitting Justices and a large administrative staff. Justice David Levinson has submitted his resignation effective June 30, 2016. As such, Justice Hasin has agreed to handle all matters pending before the Town Court through December 31, 2016. The Town Board finds and determines that Justice Hasin's salary should be modified to properly compensate him for the additional duties that will be undertaken during this time.

#### **Section 3 Salary Modification**

The budgeted salary of Town Justice David Hasin for fiscal year 2016 shall remain the same. However, Justice Hasin's compensation will be increased by the sum of \$1,500.00 per month starting on July 1, 2016, for each month until December 31, 2016.

#### **Section 4 Authority**

This Local Law is adopted pursuant to the Town Board's authority under New York State Town Law § 27 and Article II of the General Municipal Law. 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 Town local law.

#### **Section 5 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 6 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 7      Repeal**

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

**Section 8      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.