

Minutes of the Town Board Meeting held at Town Hall on September 15, 2016 at 7:30PM

Present: David Sutz, Supervisor  
Timothy Arone, Robert Hunter and Frank Palermo, Councilmen  
Absent: Michael Essig, Councilman  
Also Present: Joseph McKay, Attorney for the Town; John Smith, Parks Commissioner, Tracy Maggio, Clerk to the Supervisor; Anthony Mickolajczyk, Village Trustees, Maria Hunter, Village Planning Board

**I. Public Hearing:**

a. Tax Cap Override:

A public hearing was held to entertain public comments on the adoption of Introductory Local Law 4 of 2016 to override the tax levy limit established in General Municipal Law Section 3-c for the 2017 fiscal year. The public notice was printed in the Times Herald Record on September 8, 2016 and the following comments were received:

Supervisor Sutz explained this law is being adopted as a precaution in case when the budget is finished the levy exceeds to 0.6% tax cap. If the levy is below this percentage when the budget is completed then the Board can rescind the law.

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

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

Motion was then offered by Councilman Arone, seconded by Councilman Palermo, to adopt the following resolution:

**WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Woodbury on September 1, 2016 scheduling a public hearing to be held by said Governing Body on September 15, 2016, to hear all interested parties on a proposed local law entitled "A Local Law To Override the Tax Levy Limit Established in General Municipal Law §3-c"; and

**WHEREAS**, on September 1, 2016, the Town Board designated itself as Lead Agency with respect to the SEQRA review of the foregoing proposed local law, classified the proposed action as an Unlisted action under SEQRA, and scheduled a public hearing to receive comments with respect to the proposed local law and any potential adverse environmental impacts of the action in accordance with SEQRA; and

**WHEREAS**, notice of said public hearing was duly advertised in the Times Herald-Record, the official newspaper of said Town, according to law; and

**WHEREAS**, said public hearing was duly held on September 15, 2016, at the Town Hall, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

**WHEREAS**, the Town Board has reviewed the proposed local law, the short environmental assessment form prepared in connection therewith, and the public comments provided at the aforesaid public hearing, and after due deliberation thereon.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Town Board finds that:

- 1) the proposed local law has no significant adverse environmental impacts and issues a negative declaration thereon;
- 2) the adoption of the proposed local law is in the best interests of the residents of the Town, and hereby adopts said Local Law No. 4 of 2016, entitled "A Local Law To Override the Tax Levy Limit Established in General Municipal Law §3-c", as printed at the end of these minutes; and

- 3) hereby directs the Town Clerk to give due notice of the adoption of said Local Law to the Secretary of the State of New York.

**ADOPTED BY ROLL CALL AS FOLLOWS:**

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

**II. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Councilman Hunter, seconded by Councilman Palermo, to accept the minutes of the special joint meeting held with the Village Board on June 30, 2016.

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

Motion was then offered by Councilman Arone, seconded by Councilman Hunter, to accept the minutes of the regular meeting held September 1, 2016.

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

b. Approval of Budget Modification:

Motion was offered by Councilman Hunter, seconded by Councilman Palermo, to approve a modification to the budget of the Justice Court by increasing A3021 (State Aid, Court Facilities) by \$18,000 and increasing A1110.200 (Equipment) by \$18,000.

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

c. Approval of Abstract:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve Abstract 18 containing vouchers 20161518 - 20161628 and totaling \$418,893.15.

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

Motion was then offered by Councilman Palermo, seconded by Councilman Hunter, to approve revised Abstract 17 by voiding voucher 20161475 (check #16293) in the amount of \$856.50. This will reduce the total of the abstract to be \$44,590.10.

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

**III. Old Business:**

a. Advertise for Bids - Demolish of Buildings:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to authorize the Engineer to prepare bid specifications and advertise for bids for the demolition of vacant buildings on town property, specifically the property formerly owned by Gasho.

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

Councilman Palermo stated he was under the impression that the Fire Department would be burning the buildings to save on cost. Clerk Potvin stated some research has been conducted and it was determined by the Building Inspector that it would be illegal to do that. Councilman Arone asked if the

Highway Department could demolish the buildings and Supervisor Sutz stated they do not have the appropriate equipment to do so.

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

a. Schedule Public Hearing - Adoption of Special District Assessment Rolls:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to schedule a public hearing to be held at 7:30PM on October 20, 2016 on the adoption of the special district assessment rolls, which are as follows: Refuse, Consolidated Sewer, Water 6 (Amdur Park), Sewer 1 (Valley Forge) and Highland Lake Estates Sewer.

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

b. Distribution of FY2017 Tentative Budget:

Town Clerk Potvin stated that, pursuant to Town Law Section 106(3), a copy of the Fiscal Year 2017 Tentative Budget was received by her office on September 12, 2016, and has been distributed to the Board members. The tentative budget consists of the budget summaries submitted by each department.

c. Schedule Public Hearing - FY2017 Preliminary Budget:

Motion was offered by Supervisor Sutz, seconded by Councilman Hunter, to schedule a public hearing to be held on October 20, 2016 at 7:30PM to entertain public comments on the FY2017 Preliminary Budget. Copies of the preliminary budget will be available for public inspection and on the website as of October 13, 2016.

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

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

a. Supervisor's Report - August 2016

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve the August 2016 Supervisor's Report with receipts totaling \$559,733.68 and disbursements totaling \$1,516,808.11.

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

b. Town Clerk's Report - August 2016

c. Parks/Recreation Minutes - August 16, 2016

d. Animal/Goose Control Report - August 2016

e. Police/Communications Report - August 2016

f. Beautification Committee Minutes - No Meeting Held

g. Library Minutes - August 30, 2016

h. Budget vs. Actual - August 2016

Councilman Hunter stated the Board had asked for a regular report from the Buildings/Grounds Department and would like to know where it is. Supervisor Sutz stated he is working on obtaining one.

#### **VI. Public Comment:**

Maria Sutz thanked the Board for all of their hard work on planning for a new municipal building and encouraged the public to vote yes next week. She feels a new building is desperately needed and that no member of the Board is pushing a personal agenda.

Trustee Mickolajczyk also encouraged the public to vote and vote favorably for the municipal building proposal. He believes as citizens we all have the civic responsibility to vote. He feels the public needs to become informed to make an educated decision based on facts and not misinformation.

John Smith stated in the past many meetings of the Board were held to review the tentative budget and create the preliminary budget but this year only one meeting is scheduled. Supervisor Sutz stated there is one meeting scheduled with a second tentatively scheduled if deemed necessary. He believes the Board will be able to create the preliminary budget in this timeframe due to the new budget format and the fact that they participated in the meetings with each Department that was held over the past weeks.

Christine DerOhannesian, President of the Woodbury Chamber of Commerce and resident, stated that she was the individual that published two flyers in the recent issue of the Woodbury Gazette, stressing they were not articles and she takes full responsibility for them. She then asked if any municipalities in Orange County were consulted to see if they were entertaining new municipal facilities and to see if their experiences were similar to what is trying to be done in Woodbury. Supervisor Sutz stated there are no municipalities in Orange County that is going through the exact same proposal as Woodbury. He did speak to the Mayor of the Village of Harriman about their plans for construction but it was not an equal comparison. Mrs. DerOhannesian then noted that the Town of Chester has various municipal improvements they are actively considering (Senior Center, municipal congregation area, police station/garage). Al Fusco is also their engineer and the bids received were almost double what his engineer estimate was, which have caused the bids to be challenged. Councilman Palermo stated he is familiar with this project in Chester and added the reason the bids were challenged were due to the lowest bid being \$400K lower than the second lowest bid and not due to anything prepared by Mr. Fusco. Mrs. DerOhannesian added that Chester obtained a lot of community input on their plan and feels they did more homework/due diligence than Woodbury did. She added that she agrees a new town hall is desperately needed but feels more thought and preparation should have been done prior to bonding being sought. She then asked if the Board is aware of the economic development plan that Mayor Queenan has informed her was in place for Woodbury. Supervisor Sutz stated the Village has a Comprehensive Plan but Mrs. DerOhannesian stated she believes there is a difference between a Comprehensive Plan and an Economic Development Plan. She defined an Economic Development Plan as containing a smart growth plan and how money should be spent to accomplish it. Supervisor Sutz stated that municipalities cannot spend money to encourage business to come into its boundaries. Mrs. DerOhannesian then asked the Board if its members feel she has a "personal agenda" behind all of her efforts but no one answered her.

Maria Hunter, speaking as Chairperson of the Beautification Commission, noted that the Commission is under the jurisdiction of the Town and is tasked with the responsibility of beautifying Town owned property. It is not permissible to spend Town funds to improve the appearance of property not owned by the Town. As Chairperson of the Village Planning Board she noted the Village's Comprehensive Plan and Zoning Code dictates the type of growth that is permitted in all areas of the Village. The Village follows the Orange County Smart Growth program and all applications are referred to the County, pursuant to State Law, to obtain their comments. She has been reading Facebook© and finds the comments deplorable. She then congratulated those that were successfully elected this week to the Democratic Committee and also those that ran but did not win. She hopes that all continue to be involved. She then stated she feels comments made during public comment should be addressed to the Board and not the public or a specific individual. She also urged all to educate themselves so they can vote responsibly.

**VII. Board Member Comments:**

Councilman Palermo urged residents to come out and vote on September 20 on the bond proposition so that everyone has a say as to what is going on in our Town.

Clerk Potvin announced the Fall Electronic Collections Event is scheduled for October 14 and 15 at the Highway Garage. She also noted that Orange & Rockland has recently launched a new initiative designed to help customers better identify utility workers when they come to your door.

Supervisor Sutz stated he has been in Washington DC this week meeting with representatives to discuss a variety of issues. He met with Senator Schumer and Congressman Malhoney about funding for various water/sewer projects in the Village. Efforts will continue to obtain grants from these representatives to improve our aging infrastructure. He then stated he understands the voting on the bond proposition is very controversial for different reasons. Regarding the plans discussed this evening occurring in Chester, he noted their plans do not include a new court which was one of the driving factors involved in our process. Also Chester's plan is for one municipality while in Woodbury it is for two.

Councilman Hunter stated he feels that all questions and comments about the proposed building should be directed to the Mayor, Supervisor or members of the committee. If one of them do not know the answer to your question they will contact the correct person to get the correct answer.

**VIII. Adjournment:**

With no further business to discuss or comments received, a motion was offered by Councilman Palermo, seconded by Councilman Arone, to adjourn the meeting at 8:15PM.

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

Desiree Potvin, Town Clerk