

Minutes of the Town Board Meeting held at Town Hall on January 7, 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; Arthur Abbott, Police Lieutenant; Dorothy Morris,
Library Board; Timothy Egan, Village Trustee; Sandra Capriglione, Village Zoning Board;
Maria Hunter, Village Planning Board

EXTRA ITEM – Executive Session:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to enter into an executive session to discuss one item relating to ongoing litigation.

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

No minutes of the executive session were recorded.

Motion was then offered by Councilman Palermo, seconded by Councilman Arone, to end the executive session at 8PM and return to the open meeting.

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

I. Organizational Meeting:

Appointment of Deputy Town Supervisor:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to appoint Frank Palermo as Deputy Town Supervisor.

ADOPTED AYES 3 Sutz, Arone, Hunter
ABSTAIN 1 Palermo

Meetings/Official Newspaper/Mileage & Food Reimbursement:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to hold regular meetings of the Town Board in the Town Hall on the first and third Thursdays of each and every month at 7:30PM, and that the Town Board will hold a Worksession the Monday preceding each Town Board meeting at 7:30PM, if necessary.

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

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to accept the following:

- 1) That the Middletown Times Herald Record be designated as the official newspaper for the Town of Woodbury.
- 2) That members of the Town Government and employees, when on official business or duty for the Town, shall be paid at the rate of \$0.54 per mile for the use of their car (rate includes gas and wear/tear of vehicle).
- 3) The maximum food allowance per day when employees attend a conference is \$75.00, with no alcoholic beverage reimbursement.

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

Investment Policy:

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

The objectives of the Investment Policy of the Town of Woodbury are to minimize risk, to insure that investments mature when cash is required, and to insure a competitive rate of return. In accordance with this policy, the Supervisor is authorized to invest Town funds which are in excess of current operating needs. Town investments are governed by applicable New York State Laws.

The Supervisor is authorized to make the following types of investments, for the present, until other types of investments are submitted to the Town Board:

- a. Direct purchase of guaranteed obligations of the United States Government or obligations of the State of New York and its political subdivisions.
- b. Direct purchase of Certificates of Deposit from the designated depositories of the Town. Such Certificates of Deposit are to be collateralized by obligations enumerated in Section "a" above.
- c. Direct purchase through Repurchase Agreements of guaranteed obligations of the United States Government. Such Repurchase Agreements should be executed either through the designated depositories of the Town or those brokerage firms which are primary United States Government dealers which report to the Federal Reserve Bank of New York.
- d. Time Deposit Accounts are designated depositories of the Town. Such accounts are to be collateralized by the Federal Deposit Insurance Corporation or by obligations enumerated in Section "a" above.

The Supervisor shall deposit all monies received and said monies shall be released together with the related sureties from any liabilities for loss of such monies by reason of the default or insolvency of any such depository.

The following banks are to be designated as official banks for the Town:

Sterling National Bank, Monroe, NY 10950
Bank of America, Cornwall, NY 12518
OC Trust Company, Vails Gate, NY 12584
TD Bank, Monroe, NY 10950

The Supervisor shall be authorized to invest funds of the Town in these banks during the 2016 Fiscal Year under the following guidelines:

- a. All accounts shall be collateralized at 105% and said collateralization shall be held by a third party bank.
- b. Collateralization shall be in accordance with the Comptroller's guidelines.
- c. All designated banks will be contacted for competitive rates on an ongoing basis.

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

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Appointments:

Motion was then offered by Councilman Palermo, seconded by Councilman Arone, to make the following appointments:

John Smith to the Parks and Recreation Commission with a term due to expire 12/31/2022  
Angela McKeown and Patricia Coogan to the Library Board with a term due to expire 12/31/2020; Patricia Conques with a term due to expire 12/31/2016  
Rosemarie Morello to the Board of Assessment Review with a term due to expire 9/30/2020  
Tracy Maggio to the position of Clerk to the Supervisor  
Leslie Rose to the position of Town Historian

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

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Consultants:

Motion was then offered by Councilman Hunter, seconded by Councilman Palermo, to designate Joseph McKay with the law firm Catania, Mahon, Milligram & Rider, PLLC, as general legal counsel.

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

Motion was then offered by Councilman Arone, seconded by Councilman Hunter, to designate Feerick, Lynch and MacCartney as special counsel for the Town to work on the following two lawsuits: DEC/Mountainville Wells and Kiryas Joel Annexation.

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

Motion was offered Councilman Palermo, seconded by Councilman Arone, to designate Fusco Engineering as Engineers for the Town.

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

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Motion was offered by Councilman Arone, seconded by Councilman Palermo, to approve the 2016 salaries for non-union employees and elected officials as was approved and adopted at the 2016 Budget Public Hearing, which was held on November 5, 2015 and to make the following committee assignments:

Committee Assignments:

|                                  |                    |                    |
|----------------------------------|--------------------|--------------------|
| Woodbury Day Liaison             | Councilman Hunter  |                    |
| Cable Franchise                  | Councilman Arone   | Councilman Hunter  |
| Fiscal Advisory                  | Supervisor Sutz    | Councilman Palermo |
| Library Liaison                  | Councilman Palermo |                    |
| Police Department                | Councilman Arone   | Councilman Essig   |
| Municipal Building               | Councilman Hunter  |                    |
| Insurance                        | Councilman Arone   |                    |
| Business Improv. District        | Supervisor Sutz    | Councilman Arone   |
| Refuse                           | Councilman Palermo | Councilman Essig   |
| Parks Department                 | Councilman Hunter  | Councilman Palermo |
| Employee Relations               | Supervisor Sutz    | Councilman Essig   |
| Pre-Disaster/Mitigation Planning | Supervisor Sutz    |                    |
| Village Liaison                  | Councilman Arone   |                    |

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

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Procurement Policy:

Motion was then offered by Councilman Palermo, seconded by Councilman Hunter, to adopt the procurement policy as follows:

WHEREAS, General Municipal Law (GML) 104-b requires every Town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML 103 or any other law; and

NOW, THEREFORE, BE IT

RESOLVED that the Town of Woodbury does hereby adopt the following procurement policies and procedures:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML 103. "Purchaser" is defined as a Town official, board member, department head or individual assigned by department head to have purchasing authority. Pursuant to GML 104-b, they are listed as follows:

Police	Richard Vasquez, Arthur Abbott
Parks	Joseph Gianzero, Frances Jack
Buildings/Grounds	Robert Blair, Robert Beckley
Library	Jennifer Bradshaw
Court	Alice Confield, Carol Garen
Assessor's Office	Laura Breslin, Margaret Padilla
Town Clerk's Office	Desiree Potvin, Frances Huang
Tax Collector's Office	Carol Herb
Supervisor's Office	David Sutz, Tracy Maggio

Guideline 2. All purchases of (a) supplies or equipment which will exceed \$20,000 or (b) public works contracts over \$35,000 shall be formally bid pursuant to GML 103.

Guideline 3. Purchase of goods of a single item shall follow the following:
Less than \$20,000 but greater than \$10,000 Three written quotes with documentation
Less than \$10,000 but greater than \$5,000 Two written quotes with documentation
Less than \$5,000 Left to discretion of the Purchaser

Pursuant to GML 103(1), purchases of "commodities, services or technology" may not be "artificially divided" for the purpose of satisfying the "discretionary buying thresholds". "The reasonably expected aggregate amount of all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of the purchase" must be considered.

Purchase of public work/services contracts shall follow the following:

Less than \$35,000 but greater than \$ 20,000 Three written quotes with documentation
Less than \$20,000 but greater than \$5,000 Two written quotes with documentation
Less than \$5,000 Left to discretion of the Purchaser

Any written request for proposals (RFP) shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors for the quotes that have been received by using the form provided by the Town. All information gathered in complying with the procedures of this policy shall be preserved and attached to the voucher that is submitted for processing of payment to the successful vendor.

In the event that a diagnostic examination results in charges that will fall under a procurement threshold requiring a form of documentation other than initially anticipated, management will determine if the work can proceed without fulfilling the standard requirements of the applicable threshold.

Guideline 4. The lowest responsible proposal/quote shall be awarded unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its

taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented.

Guideline 5. A good-faith effort shall be made to obtain the required number of proposals/quotes. If the Purchaser is unable to obtain the required number of proposals/quotes, the Purchaser shall document the attempt made. In no event shall the inability to obtain the proposals/quotes be a bar to the procurement.

Guideline 6. Except when directed by the Town Board, no solicitation of proposals/quotes shall be required under the following circumstances:

- (a) Acquisition of professional services;
- (b) Emergencies;

All purchases made under the emergency exception must meet the following criteria: 1) need arises from an accident or unforeseen occurrence or condition; 2) need affects public buildings/property or life, health and safety; 3) immediate action is needed and cannot await competitive bidding or competitive offering.

- (c) Sole-Source situations;
- (d) Goods purchased from agencies for the blind or severely handicapped;
- (e) Goods purchased from correctional facilities;
- (f) Goods purchased from another governmental agency;
- (g) Goods purchased at auction;
- (h) Goods purchased for less than \$5,000;
- (i) Public work/services for less than \$5,000.
- (j) Contracts that have been let by the United States or any agency thereof, any state or any other political subdivision or district therein, pursuant to NYS Comptrollers Guidelines and General Municipal Law Section 103.

Guideline 7. This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as is reasonably practicable.

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

Official Undertaking:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to approve the below form (in italics) of the official undertaking of municipal officers of the Town, pursuant to Section 11 of Public Officers Law, and the manner of execution and the sufficiency of the Town’s insurance company surety. This undertaking will be administered to all elected officials upon the start of their elected term that handle funds on behalf of the Town of Woodbury:

TOWN OF WOODBURY, ORANGE COUNTY, NEW YORK
OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS

***WHEREAS,** _____, of the Town of Woodbury, County of Orange, New York, has been elected to the office of _____ in the Town of Woodbury; and*

***NOW THEREFORE,** he/she as respective officer above, do hereby undertake with the Town of Woodbury that he/she will faithfully perform and discharge the duties of the office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and*

The Town does and shall maintain insurance coverage, presently with New York Municipal Insurance Reciprocal in the sum of \$100,000 per loss plus an additional \$200,000 for the Tax Collector and Deputy Tax Collector, \$100,000 for the Town Supervisor and Deputy Town Supervisor and \$100,000 for the Town Clerk and Deputy Town Clerk to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

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

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Hunter, seconded by Councilman Palermo, to accept the minutes of the regular meeting held December 17, 2015.

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

Councilman Hunter asked that an addition be made to the December 17, 2015 minutes to state that the bond interest savings and the 2016 budget was a collaboration effort of the Town Board and not a single individual.

Motion was then offered by Councilman Palermo, seconded by Councilman Arone, to accept the minutes of the meeting held December 28, 2015.

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

b. Approval of Budget Modifications:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to approve a modification to the 2015 budget of the Police Fund totaling \$7000 by decreasing B3120.454 (Vehicle Gas) by \$7000 and increasing B3120.424 (Less Lethal Training) by \$2000, B3120.431 (Storage Containers) by \$5000.

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

Motion was then offered by Councilman Palermo, seconded by Councilman Hunter, to approve a modification to the 2015 budget of the Highway Fund totaling \$8840 by decreasing DB5110.100 (General Repairs Personal Service) by \$8840 and increasing DB5142.100 (Snow Removal Personal Service) by \$8840.

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

Motion was then offered by Councilman Arone, seconded by Councilman Hunter, to approve a modification to the 2015 budget of the Supervisor's Office totaling \$585 by decreasing A1220.430 (Transportation/Travel) by \$585 and increasing A1220.412 (Service Contracts) by \$350, A1220.462 (Computer Supplies/Checks) by \$235.

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

Motion was then offered by Councilman Arone, seconded by Councilman Palermo, to approve a modification to the 2015 budget of the Animal Control Department totaling \$1141 by decreasing A3510.456 (Gas/Oil/Repairs) by \$1141 and increasing A3510.403 (Building Maintenance) by \$916, A3510.431 (Vet Fees) by \$225.

ADOPTED AYES 4 Sutz, Arone, Hunter, Palermo

NOES 0

c. Approval of Abstract:

Motion was offered by Councilman Palermo, seconded by Councilman Arone, to approve Abstract 1 containing vouchers 20160001 – 20160028 and totaling \$50,819.60.

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

III. Old Business: *There was no old business to discuss.*

IV. New Business:

a. Resolution – Alternate School Funding:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to adopt the following resolution to request the reform of New York State Public Education Funding:

WHEREAS, New York State is one of only twelve states that continue to fund public schools through property taxes; and

WHEREAS, the greatest financial hurdle faced by homeowners in the State is the onerous burden of school taxes; and

WHEREAS, that burden has forced innumerable New Yorkers, including many of those transitioning to retirement on a fixed income, to sell their properties and move from the State; and

WHEREAS, most states fund public schools through sales taxes and state income taxes (both corporate and personal) and other possible avenues of funding include mortgage taxes and excess profits taxes, all of which should be considered as more equitable and less burdensome alternatives to the school property tax method in New York; and

WHEREAS, even the City of New York no longer funds its public schools through property taxes and, recognizing this as a matter of equity as well as hardship, and in order to avoid a “subsidy” by the residents of one region of another, the residents of the City of New York should either be afforded a credit or excluded from any funding alternative so that fair legislation can be enacted without opposition on that score; and

WHEREAS, responsibility for the education of our youth should be more fairly and equitably distributed and not placed on the backs of our property owners; and

WHEREAS, the two percent tax cap law enacted by New York State is proof that the Governor, Senate and Assembly are aware of this crisis, but it is only a band aid approach to a worsening problem; and

WHEREAS, a more permanent solution must be found for the sake of the survival of our State.

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Woodbury in its capacity as the governing body of the Town hereby requests that Governor Andrew Cuomo, members of the New York State Senate and members of the New York State Assembly urgently address this crisis and enact reforms to school district funding in New York State that implement an equitable alternative funding system to the property tax; and

BE IT FURTHER RESOLVED that we respectfully request that our New York State representatives, the Hon. William Larkin, Senator for the 39th Senate District and the Hon. James Skoufis, Assemblyman for the 99th Assembly District, advocate for the reforms hereby put forth and we thank them for their diligence in this matter; and

BE IT FURTHER RESOLVED that the Town Board hereby authorizes the Town Supervisor to execute a letter on behalf of the Town Board addressed to the Hon. Andrew Cuomo, Governor

requesting said reforms and to deliver such letter and certified copies of this Resolution to the Governor, Senator Larkin and Assemblyman Skoufis; and

BE IT FURTHER RESOLVED that the foregoing resolutions shall take effect immediately.

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

b. Proposal – CBIZ 2015 Fixed Assets:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to authorize the Supervisor to sign the proposal with CBIZ for the GASB34 for the 2015 fiscal year totaling \$1020.

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

c. Assign Delegates – AOT Conference:

Motion was offered by Councilman Palermo, seconded by Councilman Hunter, to designate the following named persons to attend the Annual Business Session of the Association of Towns of the State of New York, to be held in New York City, on February 17, 2015, and to cast the vote of the Town, pursuant to Section 6 of Article III of the Constitution and By-Laws of said Association: Town Clerk Desiree Potvin, Delegate, Tax Collector Carol Herb, Alternate.

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

EXTRA ITEM – Schedule Public Hearing to Repeal Tax Cap Override Local Law:

Motion was offered by Councilman Palermo, seconded by Supervisor Sutz, to schedule a public hearing to be held on January 21, 2016 to entertain public comment on the adoption of a local law to repeal Local Law 4 of 2015 overriding the tax cap for fiscal year 2015.

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

V. Board Member Comments:

The Board collectively welcomed Supervisor Sutz and Councilman Essig to the Town Board and all look forward to working together and getting things done.

Supervisor Sutz thanked all who attended the meeting this evening. He noted that it is his intention to be an open government for the public. He stressed the Board members will be made aware of everything that transpires on a regular basis and they will do whatever they can to save money wherever possible. He noted one of the committees created this evening is called the “Municipal Building” committee. Councilman Hunter will be serving on that committee with Clerk Potvin and one member of the Village Board so it will be a joint effort.

VI. Public Comment:

Clerk Potvin announced the Second Annual John P Burke Memorial Pancake Breakfast will be held on February 7, 2016, 8AM – Noon at the Village Hall.

Attorney McKay congratulated all the new Board members. He advised the Board that there is an issue he would like to discuss in executive session that may result in action being taken afterwards. He added that Attorney Lynch should be present for the executive session as well.

Lieutenant Abbott welcomed Supervisor Sutz and Councilman Essig to the Town Board. He then commended Police Officer Kristen Potter who successful saved an individual who overdosed on heroin with the Narcan (she administered it twice) on December 31.

Sandra Capriglione congratulated the Board on having a successful first meeting and it is nice to see everyone getting along.

John Smith also welcomed the new Board members and thanked the Board for their confidence in him on the Parks Commission.

8:25PM – Executive Session:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to enter into an executive session to discuss one item of litigation regard the DEC/Mountainville Wells.

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

No minutes of the executive session were recorded.

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to end the executive session and return to open session at 8:32PM.

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

EXTRA ITEM – Retaining Hydro-Geologist:

Motion was offered by Councilman Arone, seconded by Councilman Palermo, to appoint Louis Berger as consulting hydro-geologists for the Town of Woodbury in connection with the pending Mountainville Well Article 78 proceeding, subject to that firm charging a rate no higher than it is currently charging in connection with the associated annexation litigation, and subject to that firm’s availability to meet the Town’s litigation deadlines in the Mountainville Well action.

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

VII. Adjournment:

With no further comments received or business to discuss, motion was offered by Councilman Arone, seconded by Councilman Palermo, to adjourn the meeting at 8:35PM.

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

Desiree Potvin, Town Clerk