

Minutes of the Town Board Meeting held at Town Hall, 511 Route 32, Highland Mills, New York on August 6, 2009 at 7:30PM

Present: John Burke, Supervisor
Geraldine Gianzero, Councilwoman
Amidee Haviland, Carlton Levine and James Skoufis, Councilmen
Absent: None
Also Present: Richard Liberth, Attorney for the Town; Peter Stabile, Highway Superintendent; Robert Kwiatkowski, Police Chief; Michael Queenan, Village Mayor

I. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Levine, seconded by Councilman Haviland, to accept the minutes of the regular meeting held July 16, 2009.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Skoufis
NOES 0

Motion was then offered by Supervisor Burke, seconded by Councilwoman Gianzero, to accept the minutes of the special meeting held July 27, 2009.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Skoufis
NOES 0

Motion was then offered by Councilman Skoufis, seconded by Councilman Haviland, to accept the minutes of the worksession held August 3, 2009.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Skoufis
NOES 0

b. Approval of Abstract:

Motion was offered by Councilman Skoufis, seconded by Supervisor Burke, to approve Revised Abstract 15 by voiding Voucher 20091541 (check #1012) in the amount of \$250. This decreases the abstract to a total of \$241,019.37.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Skoufis
NOES 0

Motion was then offered by Councilman Haviland, seconded by Supervisor Burke, to approve Abstract 16, Vouchers #20091592 - #20091727, less Voucher 20091608, totaling \$264,851.38.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Skoufis
NOES 0

c. Budget Modifications:

Motion was offered by Councilman Haviland, seconded by Supervisor Burke, to approve a modification to the budget of the General Fund by increasing A599 (Appropriated Fund Balance) by \$7098 and increasing A9050.800 (Unemployment) by \$7098.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Skoufis
NOES 0

Motion was then offered by Councilwoman Gianzero, seconded by Councilman Levine, to approve a modification to the budget of the Parks Department by decreasing A7110.431 (Summer Supplies) by \$470, increasing A2027 (Lifeguard Class Fee) by \$1992 and increasing A7110.424 (Waterfront Lifeguard Class) by \$2462.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Skoufis
NOES 0

Motion was then offered by Supervisor Burke, seconded by Councilman Skoufis, to approve a modification to the budget of the General Fund by increasing A599 (Appropriated Fund Balance) by \$1500 and increasing A1220.405 (CPA) by \$1500.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Skoufis
NOES 0

Motion was then offered by Councilman Skoufis, seconded by Councilman Haviland, to approve a modification to the budget of the Parks Department by increasing A2003 (Club Impact Donations) by \$204, decreasing A7110.100 (Personal Service) by \$3300 and increasing A7110.450 (2009 Solutions Program) by \$3504.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Skoufis
NOES 0

Motion was then offered by Supervisor Burke, seconded by Councilwoman Gianzero, to approve a modification to the budget of the Water 6 Fund by decreasing SW6-9710.701 (Serial Bonds Interest NYEFC) by \$148 and increasing SW6-1380.400 (Fiscal Agent Fees) by \$148.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Skoufis
NOES 0

Motion was then offered by Supervisor Burke, seconded by Councilman Skoufis, to approve a modification to the budget of the Highway Fund by decreasing DB5142.466 (Salt & Liquid Calcium) by \$20,000 and increasing DB5110.464 (Liquid Calcium for Reclamation) by \$20,000.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Skoufis
NOES 0

Motion was then offered by Councilman Haviland, seconded by Supervisor Burke, to approve a modification to the budget of the General Fund by decreasing A1620.414 (Architect/Engineer) by \$1000 and increasing A1620.491 (Senior Center Grant – Patio) by \$1000.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Skoufis
NOES 0

d. Closing of Capital Project Account:

Motion was offered by Councilman Skoufis, seconded by Councilwoman Gianzero, to approve the closing of the account established for the Capital Project Ridge Road Improvements and to transfer any remaining balance (\$88,717.49 plus interested earned in July) into the Highway Fund for strict use toward Highway debt service.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Skoufis
NOES 0

II. Old Business:

a. Authorize Supervisor to Sign Agreement – Cooperative IT Services:

Attorney Liberth stated he has discussed paragraph 7 with Lieutenant Abbott and is satisfied that it could remain within the agreement. New Windsor understands that Woodbury will not be purchasing additional coverage and they will not either. Councilman Skoufis stated he does not believe the duties of the three classifications of workers is clearly defined and should be since the difference in the hourly rates is substantial. Chief Kwiatkowski stated the work is done by whoever is on call at the time service is needed. Additionally, there are no costs incurred if service is needed during regular working hours. Councilman Levine asked if these individuals just work for the New Windsor Police Departments IT services and Chief Kwiatkowski stated they do computer services for the entire Town of New Windsor. Councilman Haviland stated he feels a “Memo of Understanding” should be attached to the agreement noting that paragraph 7 is to be ignored and Attorney Liberth stated the cost of the legal fees to draft the MOU would be a waste of money. Councilwoman Gianzero asked if the paragraph

could be crossed out. Attorney Liberth stated he would speak with Lieutenant Abbott and see if New Windsor is comfortable with that option.

Motion was then offered by Councilman Levine, seconded by Councilman Haviland, to authorize the Supervisor to sign the Inter-Municipal Agreement between the Town of Woodbury and Town of New Windsor for the providing of Cooperative Information Technology (IT) services, pending the crossing out of paragraph 7.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Skoufis
 NOES 0

b. Bond Resolution – CV Pond Phase III Improvements:

Supervisor Burke stated the bond resolution that was adopted earlier this year needs to be amended to reflect the increased amount to be borrowed. Councilman Levine stated when the bids were received and further reviewed, it was noticed that legal services and engineering fees were not calculated into the projected costs. Councilman Haviland stated the Town Board is frustrated with the increase that is needed. Councilman Skoufis added that the construction estimate prepared by the Town Engineer was off by 30% and believes the engineer is to blame for the error. Supervisor Burke added it was decided that a second engineering firm would be hired to issue their opinion on the issue. Recommendations were received from them and incorporated into the specifications, which added to the increased cost. Councilman Levine noted that the Board anticipates having a sufficient amount of parkland fees in revenue to pay for the BAN. Councilman Skoufis noted that the amended resolution will be subject to a permissive referendum like the first one that was adopted.

Motion was then offered by Councilman Levine, seconded by Supervisor Burke, to adopt the following resolution:

BOND RESOLUTION OF THE TOWN OF WOODBURY, NEW YORK, ADOPTED AUGUST 6, 2009, AUTHORIZING THE CONSTRUCTION OF VARIOUS IMPROVEMENTS TO THE CENTRAL VALLEY POOL; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,900,000; APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$500,000 GENERAL FUNDS AND/OR PARKLAND FUNDS CURRENTLY AVAILABLE OR EXPECTED TO BECOME AVAILABLE TO PAY A PART OF SAID APPROPRIATION; AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,400,000 BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION

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 various improvements to the Central Valley Pool. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,900,000 and said amount is hereby appropriated therefore. The Town Board has heretofore authorized the expenditure of \$1,295,000 to pay for improvements to the Central Valley pond/pool and the issuance of up to \$795,000 bonds or notes to finance a part of such cost. Pursuant to such authorization, the Town has heretofore issued \$795,000 bond anticipation notes (which were later redeemed by \$745,000 in serial bonds and \$50,000 in available funds). The plan of financing includes the expenditure of \$500,000 general funds and/or parkland funds collected or to be collected pursuant to Section 277 of the Town Law to pay a part of said appropriation, the issuance of not to exceed \$1,400,000 bonds of the Town to finance the balance of said appropriation, 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. Serial bonds of the Town in the principal amount of not to exceed \$1,400,000 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 serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 61 of the Law, is fifteen (15) 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, or for such expenditures made on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefore. 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 maximum maturity of the bonds authorized by this resolution will exceed five 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 without limitation of rate or amount. 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 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 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 full, in the "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 August 6, 2009, 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 August 6, 2009, authorizing the construction of various improvements to the Central Valley Pool; stating the estimated maximum cost thereof is \$1,900,000; appropriating said amount therefore, including the expenditure of \$500,000 general funds and/or parkland funds currently available or expected to become available to pay a part of said appropriation; and authorizing the issuance of not to exceed \$1,400,000 bonds of said Town to finance the balance of said appropriation," an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

- FIRST: AUTHORIZING said Town to construct various improvements to Central Valley Pool; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,900,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the expenditure of \$500,000 general funds and/or parkland funds collected or to be collected pursuant to Section 277 of the Town Law to pay a part of said appropriation, the issuance of not to exceed \$1,400,000 bonds of the Town to finance the balance of said appropriation, 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; the Town Board has heretofore authorized the expenditure of \$1,295,000 to pay for improvements to the Central Valley pond/pool and the issuance of up to \$795,000 bonds or notes to finance a part of such cost; pursuant to such authorization, the Town has heretofore issued \$795,000 bond anticipation notes (which were later redeemed by \$745,000 in serial bonds and \$50,000 in available funds);
- SECOND: AUTHORIZING the issuance of not to exceed \$1,400,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance a part of said appropriation;
- THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is fifteen (15) 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 \$500,000 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, and the renewals thereof; and
- SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

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 Burke	AYES
Councilwoman Gianzero	AYES
Councilman Haviland	AYES
Councilman Levine	AYES
Councilman Skoufis	AYES

III. New Business:

a. Temporary Road Closure Request:

Motion was offered by Councilwoman Gianzero, seconded by Councilman Levine, to approve the request to temporary close Country Hollow from house number 26 to house number 27 on August 29, 2009 (rain date September 5, 2009) from 4PM to 10PM for the purpose of the residents to conduct a block party.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Skoufis
 NOES 0

b. Announcement – Bond Rating Status:

Supervisor Burke announced that the bond ratings for the Town have been upgraded by Moody’s Investor Service from A3 to A2 and by Standards and Poor’s from A+ to AA. Both agencies have recognized the financial stability of the government, noting that in economic difficulties the Town has been able to maintain budget surpluses. Woodbury is one of only two NYS municipalities to have its rating upgraded in Standard and Poor’s July report. Senior Account Clerk Eileen Sutherland was thanked for all her efforts in this process.

c. Resolution – 2009 Justice Court Assistance Program

Motion was offered by Councilman Skoufis, seconded by Councilman Haviland, to authorize the Town Justice Court to participate in the 2009 Justice Court Assistance Program and to authorize the Supervisor to sign any and all necessary documents relating to the application process.

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Skoufis
 NOES 0

d. Resolution – Request Limited Parking in Front of Town Hall:

Motion was offered by Supervisor Burke, seconded by Councilman Levine, to authorize the Supervisor and/or the Superintendent of Highways to request the New York State Department of Transportation to permit the erection of “30 Minute Parking; Monday – Friday; 8AM - 4PM” signs in front of Town Hall from the stone pillar adjacent to the driveway of Smith, Seaman & Quackenbush Funeral Home (south side) to the beginning of the driveway entrance to Town Hall (north side).

ADOPTED AYES 5 Burke, Gianzero, Haviland, Levine, Skoufis

IV. Public Comment:

Supervisor Burke stated the Eagle Project at Liberty Park that was approved by the Board several meetings ago is progressing extremely well. The monuments have been cleaned and polished and stones have been added to the gazebo and perimeter wall.

Councilman Levine noted that the guard rails leading to Earls Reservoir are also looking nice. Supervisor Burke stated some high school students are cleaning them as part of community service towards a Comprehensive Diploma upon graduation.

Councilman Skoufis stated correspondence was received from the Carteret Group regarding the drilling of wells for WP3 and he asked if it should be discussed. Supervisor Burke stated it will be at the next worksession.

Councilman Haviland stated he has reviewed the June "Budget vs. Actual" and was concerned with the revenues received to date being less than the previous year. He conducted an analysis and noticed that spending has decreased as well which helps make up the loss in revenue. He believes the Towns financial situation is doing well and thanked Supervisor Burke and Senior Account Clerk Sutherland for keeping a watchful eye over the Department Heads spending.

Town Clerk Potvin stated that, pending approval from the Assembly, Senator Larkin has awarded a \$10,000 grant to her office for the purchase of a new microfilm machine. The current machine is not working properly and has been discontinued.

Chief Kwiatkowski stated he attended a recent meeting of Police Chiefs and the Federal Stimulus package was discussed. He noted that the report shows that Woodbury is not receiving any money.

John Smith asked if the Board has had the opportunity to convert the meetings from VHS to DVD. Supervisor Burke stated this is being done by the website designer and then uploaded to the website. Additionally, he noted the Cable Franchise Agreement is due to expire in 2010 and Councilmen Haviland and Levine will begin negotiations soon. He believes we can present a strong case to upgrade the equipment. Mr. Smith then asked if an interest rate on the proposed bonding has been established yet. Supervisor Burke stated bond counsel has advised that it should be less than 4%. Mr. Smith then stated he still feels that a swimming pool could have been constructed with a bathing beach that would have cost a lot less.

Mayor Queenan stated he feels the frustration that the Board has regarding the increased amount needed to be bonded for the CV Pond. He also agrees that the parking in front of Town Hall should be restricted during business hours. He then stated that the meetings can be recorded on DVD but it has been disconnected, probably during a service call. He believes the problem is the quality of service that is being received from the Cable company. He feels that one service technician should be assigned to the Town so they are familiar with the equipment. Supervisor Burke stated he agrees.

Councilwoman Gianzero stated she wanted to clarify some inaccuracies stated by Mr. Smith. She noted the Board never received an estimate on the construction of a swimming pool and cannot imagine building one that would be able to serve the community. She also noted that the Department of Health has required that the classification of the CV Pond be changed to a pool with a filtration system. Mr. Smith stated he obtained a quote on his own for a swimming pool and that he was told by

the DOH that the standards must meet that of either a pool or bathing beach. Supervisor Burke stated he and former Councilman Queenan attended many meetings with the State and County DOH and was told firmly that it must be a pool with a filtration system or it would not be approved to be opened.

V. Adjournment:

With no further business to discuss or comments received, a motion was offered by Councilman Skoufis, seconded by Councilman Levine, to adjourn the meeting at 8:45PM.

ADOPTED	AYES	5	Burke, Gianzero, Haviland, Levine, Skoufis
	NOES	0	

Desiree Potvin, Town Clerk