

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

Present: John Burke, Supervisor
Amidee Haviland, Carlton Levine and Michael Queenan, Councilmen
Absent: Geraldine Gianzero, Councilwoman
Also Present: Richard Liberth, Attorney for the Town; Roxanne Donnery, County Legislator; Peter Stabile, Highway Superintendent; Maria Hunter, Village Planning Board; Sandra Capriglione, Village Zoning Board

EXTRA ITEM – Boy Scout Eagle Scout Project:

David Ciccone Quigley gave a presentation to the Board of a project he would like to do in the historical portion of the Cemetery of the Highlands for his Eagle Scout. He would like to repair the headstones that were damaged during the winter storms, remove the brush/tree branches and paint the fencing. Supervisor Burke stated he has spoken with Superintendent Blair about the project and he believes he can assist the Scouts. The Board asked some procedural questions and Mr. Quigley answered them expertly. A motion was then offered by Supervisor Burke, seconded by Councilman Levine, to approve the project proposed by David Ciccone Quigley to repair headstones that were damaged during the winter storms, remove the brush/tree branches and paint the fences in the historical portion of the Cemetery of the Highlands for his Eagle Scout.

ADOPTED AYES 4 Burke, Haviland, Levine, Queenan
NOES 0

1. Resolution – Special Election on CV Pool Bond Resolution:

Motion was offered by Councilman Queenan, seconded by Councilman Haviland, to adopt the following resolution calling for a special Town election to be held on May 5, 2009 for the purpose of approving or disapproving a bond resolution heretofore adopted by the Town Board on February 5, 2009:

WHEREAS, the Town Board of the Town of Woodbury, in the County of Orange, New York (the “Town”) has heretofore adopted a bond resolution dated February 5, 2009 authorizing the issuance of bonds to finance the construction of various improvements to the Central Valley Pool, which resolution was subject to a permissive referendum pursuant to Section 35.00 of the New York Local Finance Law; and

WHEREAS, within thirty days after adoption of said bond resolution the Town Clerk has received a petition duly signed, and acknowledged or proved, or authenticated by electors of the Town in number equal to at least five per centum of the total vote cast for governor in the Town at the last general election held for the election of State officers, requesting that a referendum be held for the purpose of approving or disapproving such bond resolution;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. A Special Town Election will be held on May 5, 2009 between the hours of 12:00 o’clock Noon (Prevailing Time) and 9:00 o’clock P.M. (Prevailing Time), or as much longer as may be necessary to enable the voters then present to cast their votes, at which Special Town Election the Proposition contained in the Notice hereinafter set forth shall be submitted for the approval or disapproval of the electors of the Town by a majority vote of such electors voting on such Propositions. The polling place for said Special Town Election shall be the Town Hall, 511 Route 32, Highland Mills, New York.

Section 2. The Town Clerk is hereby authorized and directed to give notice of submission of such Proposition at the Special Town Election (a) by publishing, at least ten (10) days prior to such Special Town Election, a Notice thereof in form and substance as hereinafter set forth, at least once in

the "Times Herald Record," a newspaper having general circulation in the Town, and hereby designated the official newspaper of the Town for such publication, and (b) by posting, at least ten (10) days prior to such Special Town Election, on the sign-board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law.

Section 3. At said Special Town Election, the vote upon said Proposition shall be by voting machines and only those persons qualified to vote according to law shall be permitted to vote.

Section 4. Said Notice shall be in substantially the following form:

TOWN OF WOODBURY, NEW YORK
NOTICE OF SPECIAL TOWN ELECTION
MAY 5, 2009

NOTICE IS HEREBY GIVEN that a Special Town Election of and for the Town of Woodbury, in the County of Orange, New York, will be held on May 5, 2009, at the Town Hall, 511 Route 32, Highland Mills, New York. The polls shall remain open from 12:00 o'clock Noon (Prevailing Time) until 9:00 o'clock P.M. (Prevailing Time) or for such longer period of time as may be necessary to enable the voters then present to cast their votes. At said Special Town Election the following Proposition is to be voted upon:

PROPOSITION NO. 1

SHALL the bond resolution of the Town of Woodbury, New York, entitled: "Bond Resolution of the Town of Woodbury, New York, adopted February 5, 2009, authorizing the construction of various improvements to the Central Valley Pool; stating the estimated maximum cost thereof is \$1,400,000; 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 \$900,000 bonds of said Town to finance the balance of said appropriation," BE APPROVED?

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

- FIRST: AUTHORIZING the issuance of \$900,000 bonds to finance the construction of various improvements to the Central Valley Pool, at the estimated maximum cost of \$1,400,000; STATING that the estimated total cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,400,000; APPROPRIATING said amount therefore; STATING that the Town Board has heretofore authorized the expenditure of \$1,295,000 serial bonds 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 and 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); 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 \$900,000 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;
- SECOND: AUTHORIZING the issuance of \$900,000 serial 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 serial bonds are authorized to be issued is fifteen (15)

- years; STATING that the proceeds of the bonds 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 the bond resolution; and STATING that the proposed maturity of the 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 contain a recital of validity and shall be general obligations of the Town, payable by general tax on real property within 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: STATING that the validity of the bonds authorized by the 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; and
- SEVENTH: DETERMINING that said resolution shall be subject to a permissive referendum.

Section 5. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution, or a summary thereof, to be published in the newspaper referred to in Section 2 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.

Section 6. This resolution shall take effect immediately.

ADOPTED BY ROLL CALL AS FOLLOWS:

Supervisor Burke	AYES
Councilwoman Gianzero	ABSENT
Councilman Haviland	AYES
Councilman Levine	AYES
Councilman Queenan	AYES

Adjournment:

With no further business to discuss, a motion was offered by Councilman Haviland, seconded by Councilman Levine, to adjourn the meeting at 8PM.

ADOPTED AYES 4 Burke, Haviland, Levine, Queenan
 NOES 0

Desiree Potvin, Town Clerk