

Minutes of the Virtual Town Board Meeting held on January 7, 2021 at 7:30PM

Present: Frank Palermo, Supervisor
Thomas Burke, Tyler Etzel, Jacqueline Hernandez and Robert Hunter, Council
Absent: None
Also Present: Joseph McKay, Attorney for the Town

I. Public Input: *No comments received.*

II. 2021 Re-Organization Meeting:

Appointment of Deputy Town Supervisor:

Motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to appoint Thomas Burke as Deputy Town Supervisor with a salary of \$1200/year.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

Meetings/Official Newspaper/Mileage & Food Reimbursement:

Motion was offered by Supervisor Palermo, seconded by Councilman Burke, 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 7PM. If a worksession were to fall on a holiday, it will be held on the Tuesday.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

Motion was offered by Councilwoman Hernandez, seconded by Councilman Hunter, 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 \$0.56 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 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

Motion was then offered by Councilwoman Hernandez, seconded by Councilman Hunter, to schedule a Police Commissioners meeting to be held the third Monday (and if it is a holiday then on the Tuesday) of each month, as needed.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

Investment Policy:

Motion was offered by Councilman Burke, seconded by Councilman Etzel, to adopt the following:

The objectives of the Investment Policy of the Town of Woodbury are to minimize risk, to ensure 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
- Lakeland Bank, Highland Mills, NY 10930
- 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 2021 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 5 Palermo, Burke, Etzel, Hernandez, Hunter
 NOES 0

Appointments:

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

- Michael Mazzuca to the Parks and Recreation Committee with a term due to expire 12/31/2027
- Philip Sabatelli to the Parks and Recreation Committee with a term due to expire 12/31/2022
- Patricia Coogan to the Library Board with a term due to expire 12/31/2027
- Elan Ludig to the Library Board with a term due to expire 12/31/2028
- John Smith to the Library Board with a term due to expire 12/31/2021
- Philip Nask to the Beautification Committee with a term due to expire 12/31/2027
- Rosemary Morello to the Board of Assessment Review with a term due to expire 9/30/2025

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter

NOES 0

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Consultants:

Motion was then offered by Councilwoman Hernandez, seconded by Councilman Burke, to designate Joseph McKay with the law firm Catania, Mahon & Rider, PLLC, as general legal counsel. Schedule of fees for 2021 will remain the same as 2020.

**ADOPTED** AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter  
NOES 0

Motion was offered by Supervisor Palermo, seconded by Councilman Burke, to designate Fusco Engineering as Engineers for the Town. Schedule of fees for 2021 will remain the same as 2020.

**ADOPTED** AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter  
NOES 0

Motion was then offered by Supervisor Palermo, seconded by Councilman Hunter, to designation Thomas McDonough with the law firm Jackson Lewis, as labor attorney. Fees for 2021 will increase from \$275 to \$300 per hour.

**ADOPTED** AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter  
NOES 0

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Motion was offered by Councilman Burke, seconded by Councilwoman Hernandez, to make the following committee assignments:

Committee Assignments:

Family Visitor Program	Councilwoman Hernandez	Councilman Etzel
Fiscal Advisory	Councilman Etzel	Councilman Burke
Library Liaison	Councilman Burke	Councilwoman Hernandez
Insurance	Councilman Burke	Supervisor Palermo
Business Improv. District	Councilwoman Hernandez	Councilman Burke
Refuse	Councilman Hunter	Supervisor Palermo
Parks Department	Councilman Etzel	Councilman Burke
Police Department	Councilman Etzel	Councilman Burke
Employee Relations	Councilwoman Hernandez	Councilman Burke
Pre-Disaster/Mitigation Planning	Councilman Hunter	Councilwoman Hernandez
Village Liaison	Councilman Etzel	Councilwoman Hernandez

Buildings and Grounds	Councilman Etzel	Councilman Hunter
Intermunicipal Water Council	Councilwoman Hernandez	Supervisor Palermo
Cornwall CSD Liaison	Councilwoman Hernandez	Councilman Hunter
MWCSD Liaison	Councilman Burke	Councilman Etzel

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
 NOES 0

Supervisor Palermo noted the Town no longer will have the Cablevision Franchise as that has become a Village issue.

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Procurement Policy:

Motion was then offered by Councilwoman Hernandez, 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                 | Kevin Watson, Kevin Phillips                  |
| Parks                  | Joseph Gianzero, Frances Jack                 |
| Buildings/Grounds      | Joseph Gianzero, Robert Blair, Robert Beckley |
| Library                | Sara Johnson                                  |
| Court                  | Carol Garen, Jill Sarlo                       |
| Assessor's Office      | Julie Rose                                    |
| Town Clerk's Office    | Desiree Potvin, Frances Huang                 |
| Tax Collector's Office | Karin Poggio                                  |
| Supervisor's Office    | Frank Palermo, Laura Morrissey                |
| Senior Center          | Michele Kogan, Shakine Michel                 |

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 bidder shall be awarded a purchase or public works contract unless the Town determines that it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder through use of the "best value" option or the "piggybacking" option pursuant to Chapter 236m of the Town Code. Where an award is made to other than the lowest bidder, the Purchaser must prepare 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.
- (k) Pursuant to General Municipal Law section 103, subdivision 16, the Town Board may make purchases of apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment and supplies, may make such purchases, or may contract for such services related to the installation, maintenance, or repair of apparatus, materials, equipment or supplies as may be required through the use of a contract let by the United States of America or any Agency thereof, any State or any other political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value and made available for use by other governmental entities.

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 5 Palermo, Burke, Etzel, Hernandez, Hunter  
NOES 0

**III. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Councilman Hunter, seconded by Councilman Burke, to accept receipt of the minutes of the regular meeting held December 17, 2020.

**ADOPTED** AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter  
NOES 0

Motion was then offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to accept receipt of the minutes of the regular meeting held December 30, 2020.

**ADOPTED** AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter  
NOES 0

b. Approval of Abstract:

Motion was offered by Councilman Hunter, seconded by Councilman Burke, to approve Abstract 1 containing vouchers 210001- 210037 and totaling \$127,657.59.

**ADOPTED** AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter  
NOES 0

**IV. New Business:**

a. Appoint Delegate for Association of Towns:

Motion was offered by Councilman Burke, seconded by Councilwoman Hernandez, 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, 2021, 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, Supervisor Frank Palermo, Alternate.

**ADOPTED** AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter  
NOES 0

b. Acceptance of Resignation - Erin Finnerty:

Motion was offered by Councilman Hunter, seconded by Councilman Burke, to accept the resignation of Erin Finnerty from the position of part-time dispatcher effective January 4, 2021.

**ADOPTED**      AYES    5            Palermo, Burke, Etzel, Hernandez, Hunter  
                     NOES    0

**V. Board Meeting Comments:**

Councilwoman Hernandez stated she enjoyed being the Deputy Supervisor for the last three years and she is excited that Councilman Burke will not be taking on the responsibility this year. She wished everyone a happy new year.

Councilman Hunter stated he is appalled by what happened at the Capital Building in Washington DC yesterday. He would like to have "Old Business" added back onto the agenda as he feels it is not covered like it should be. Supervisor Palermo stated he will add it on.

Councilman Etzel thanked Councilwoman Hernandez for her time serving as Deputy Supervisor and all the time/effort she put into the position. He welcomed Councilman Burke and noted that great things are expected from him. He then wished everyone a happy new year and is thankful that democracy survived yesterday's events.

Councilman Burke thanked Supervisor Palermo for this confidence in him by appointing him as Deputy Supervisor. It is something he will not take lightly and noted that Councilwoman Hernandez did an awesome job in that position. He feels it is a great opportunity and plans to work very hard to accomplish great things. He acknowledged all those that have served on committees that may not have been reappointed this evening but noted the Board was looking for some fresh ideas. The jobs they have done are appreciated. He noted there was a fire/smoke incident at the Reservoir this past weekend and the Fire Department responded very quickly, as did Director Gianzero. He then sadly announced that the wife of former owner/editor of the Woodbury Gazette Ben Meyer passed away this week and he sends his condolences to the family. He then noted he spent some time with Senior Account Clerk Eileen Sutherland today in the Accounting Department discussing the fiscal status of the Town. For the "B" fund (Police) everything from the third quarter was been received and it is estimated that the fourth quarter will have a shortfall of about \$40,000. There is a significant balance remaining in the salary line-items and he recognized the efforts of Chief Watson for being mindful of his budget. He also reviewed all the budgets for all the other Departments, and each have remaining balances in their budgets for 2020 which he feels is great. He acknowledged and thanked Mrs. Sutherland for her time working with him today. He also noted an email was received from a resident in Woodbury regarding the care her son received from Detective Hardin that she was grateful for.

Attorney McKay thanked the Board for reappointing his firm, adding it has represented the Town for more than 25 years. This year will be his 11<sup>th</sup> year personally representing the Board.

Supervisor Palermo congratulated Councilman Burke on his appointed as Deputy Supervisor and he thanked Councilwoman Hernandez for her time served. She was very valuable to him and he is looking forward to the same working relationship with Councilman Burke. He then announced that he will not be seeking re-election this year. He wished everyone that will be running for election this year the best of luck and he has full confidence that the Board will continue the work his administration has begun. He will miss working with the people and the job but he is ready to retire. He then noted at the next meeting the Board will be entertaining a resolution to expend funds from the Building Reserve. He

has been in contact with the State regarding the grant money for the courthouse and there is no way of knowing at this time if the grant will come through as the state is in financial trouble. He was told the Town can spend the money and be reimbursed as long it they did not take out a loan to do so. If the grant comes in, then the reserve fund can be refunded. He then thanked the Department Heads for being financially accountable in 2020. He wished everyone a happy, safe and healthy new year.

**VI. Adjournment:**

With no further business to discuss or comments received, a motion was offered by Councilman Etzel, seconded by Councilman Burke, to adjourn the meeting at 8:18PM.

**ADOPTED**      AYES    5            Palermo, Burke, Etzel, Hernandez, Hunter  
                     NOES    0

Desiree Potvin, Town Clerk