

Minutes of the Virtual Town Board Meeting held on February 4, 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 Hearing:

a. Introductory Local Law 1 of 2021 entitled "Removal of Utility Poles":

A public hearing was continued from the January 21, 2021 meeting on Introductory Local Law 1 of 2021 which will create a new Chapter 249 of the Town Code entitled "Removal of Utility Poles" requiring utility companies to remove inactive, broken or replaced utility poles within the Town. The following additional comments were received:

Maria Hunter thanked Clara for putting the law on the website and, after reviewing it, the questions that she had have been answered.

Attorney McKay stated he spoke with Supervisor Palermo this afternoon and sent a brief email to the Board suggesting some clarifications to the law. Section 249-3 the utility company, when they intend to erect a pole in the Town, they need to give written notification to the Town and notification through the public service commission. He believes this is a minor clarification. Also, there is a 30-day requirement from when the first unit comes down to when the next one does. There are two locations in the law that had different timeframes and he suggests they all be the same for consistency, except for dangerous poles which need to be removed within fifteen days. He noted again these changes are for clarification and not substantive.

Supervisor Palermo stated he spoke with someone in public relations at Orange & Rockland today and a meeting is being set-up with Michael Grant and Eric Fuentes to discuss this law. He would like Councilman Etzel and Attorney McKay to be at the meeting as well when it is scheduled. Orange & Rockland is more than willing to work with the Town to get this issue rectified. He recommends closing the hearing and then after the meeting is held incorporating any amendments that are decided. He added that he was told they do notify other co-locators when it is time to remove their infrastructure off the poles. Attorney McKay noted that other municipalities have had great success trying to approach.

With no further comments received, a motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to close the public hearing. Councilman Etzel, Attorney McKay and Supervisor Palermo will meet with Orange & Rockland to discuss the law and come back to the Board with the results of the meeting.

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

II. Public Input:

Maria Hunter asked how properties become wholly tax exempt, noting there is a property on Summit Avenue that recently was changed. She understands that the Assessor does this but does she let the Town Board know about it. She added that if this keeps happening the tax burden will be passed onto the other taxpayers. She also asked how many properties came off the tax rolls in recent years and asked if this is a concern. Supervisor Palermo asked Mrs. Hunter to send her an email with the property information and he will look into it. As far as he is aware, there has not been any property removed and he thinks the Town Board does need to approve this first or is may be done during the Village Planning Board process. Attorney McKay stated there are two different procedures. If another municipality owns property within Woodbury then they can request the Town Board to classify them as wholly exempt.

The Assessor has the ability and authority to classify other properties that fall into an exempt classification. Mrs. Hunter stated she is not aware of this property appearing before the Planning Board to become a health center. Councilwoman Hernandez stated she spoke to the Assessor for about an hour today about her concerns that she has with the number of residents grieving their assessment. She believes they are valued correctly and in some cases the hearing officer is granting the grievance to the resident. She thanked Mrs. Hunter for bringing it to the Boards attention and agrees this is something the Board should be aware of. Supervisor Palermo stated he also spoke to the Assessor recently about the State coming in every five years to assess certain major properties and she is having a difficult time with them and the Woodbury Common. She feels the State is undervaluing the property's worth. He then noted every May residents are allowed the opportunity to challenge their assessments and he feels we should not concern ourselves if they threaten to do so at any other time of the year. The State doing their own assessment of what the Woodbury Common is work is currently the most important concern. Councilman Etzel stated he spoke with the Assessor yesterday as well and she indicated the State is coming closer to her assessment than thought. He also noted there is a judge that has been approving lower assessments, even lower than what is agreed upon after negotiations are held. Supervisor Palermo asked Attorney McKay to call the Assessor's office tomorrow to discuss it.

III. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Burke, seconded by Councilman Hunter, to accept receipt of the minutes of the meeting held January 21, 2021.

ADOPTED	AYES	4	Palermo, Burke, Etzel, Hunter
	ABSTAIN	1	Hernandez

b. Approval of Abstract:

Motion was offered by Supervisor Palermo, seconded by Councilman Hunter, to approve Abstract 3 containing vouchers 210111 – 210165 and totaling \$90,345.88.

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

c. Budget Modifications:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Burke, to approve a modification to the 2020 budget as follows:

- General Fund – increasing A1110.412 (Justice Court Postage) by \$7, A1110.411 (Justice Court Office Supplies) by \$5, A1220.404 (Supervisor's Outsourced Payroll) by \$345, A1220.405 (CPA) by \$1071, A1330.400 (Tax Collector Contractual Expenses) by \$456, A1620.406 (Paint) by \$279, A1620.429 (Municipal Building Lease) by \$396, A1650.400 (Central Communications Cable) by \$2565, A1680.401 (Subscription Service for Microsoft) by \$208, A1690.400 (Security System Townwide) by \$16, A1920.400 (Municipal Associations Dues) by \$50, A3510.405 (Dog and Cat Supplies) by \$273, A3510.466 (ACO Expenditures from Donation Account) by \$982, A4020.100 (Registrar Personal Service) by \$10, A7110.444 (Parks School & Dues) by \$181, A7110.448 (Park Miscellaneous) by \$32, A9060.801 (HRA MVP) by \$4027, A2706 (Animal Control Donations) by \$982 and decreasing A1110.430 (Justice Trans and Travel) by \$12, A1220.200 (Supervisor's Equipment) by \$1071, A1220.411 (Supervisor's Office Supplies) by \$345, A1330.100 (Tax Collector Personal Services) by \$456, A1620.444 (Buildings/Grounds School & Dues) by \$396, A1640.400 (Central Garage) by \$3118, A3510.444 (ACO School and Dues) by \$273, A4989.400

(Health Other, Drug Testing) by \$10, A7110.454 (Parks Advertising) by \$213, A9060.800 (Health Insurance) by \$4207

- Library – increasing L7410.402 (Electric) by \$500, L7410.411 (Office Supplies) by \$310, L7410.464 (Equipment Maintenance) by \$1300, L7410.465 (Processing Supplies) by \$100 and decreasing L7410.403 (Heating Oil/Gas) by \$500, L7410.435 (Books) by \$410, L7410.200 (Equipment) by \$1300
- General Fund – increasing A1420.400 (Attorney) by \$57,000, A1420.417 (Attorney HLE Litigation) by \$20,000, A1420.418 (Attorney ELT Nepera) by \$103,000, A599 (Appropriated Fund Balance) by \$112,000 and decreasing A1420.414 (Attorney Litigation) by \$68,000

and to the 2021 budget as follows:

- Woodbury Common BID – increasing SMB3120.100 (Police Personal Service) by \$64,615 and decreasing SMB3120.101 (Officer Full Time) by \$46,305, SMB3120.102 (Police Officer K9)
- General Fund – increasing A1680.400 (Central Data Processing/IT Consultant) by \$500 and increasing A599 (Appropriated Fund Balance) by \$500
- Police Department – increasing B3020.101 (Compensated Absences) by \$24,072 and decreasing B3020.100 (Dispatcher Compensated Absences) by \$24,072

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

IV. New Business:

a. Public Employer Health Emergency Plan – Referral to Unions:

Councilwoman Hernandez stated, on behalf of the committee that put this plan together (herself, Clara Rivera, Clerk Potvin, Director Gianzero, Lieutenant Phillips with input from Councilman Burke, Supervisor Palermo and all department heads) that this plan was required per the State Legislature and is an emergency plan in the event of a pandemic. A template was provided by the Association of Towns from a webinar that she and Clerk Potvin attended. Clerk Potvin stressed this is a plan for employees and to ensure the continuation of government. Supervisor Palermo stated there are two things that were brought to his attention by his staff regarding the plan that needs to be corrected. For his office, the position of “Account Clerk” is listed separately a few times and he feels it should be combined and listed once (separating out Refuse Clerk and Supervisor Assistant). For the Senior Center, specific names are listed and it should be positions. Councilwoman Hernandez stated she will make those changes. Motion was then offered by Supervisor Palermo, seconded by Councilman Etzel, to refer the plan to the unions.

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

The Board collectively thanked the committee that worked on this plan.

b. Authorize Supervisor to Sign – Stryker Maintenance Agreement – Defibrillators at PD:

Motion was offered by Councilman Hunter, seconded by Councilman Burke, to authorize the Supervisor to sign the renewal maintenance agreement with Stryker for the defibrillators at the Police Department at a cost of \$1188 FP noted same amount as the previous contract. The agreement is for February 1, 2021 – January 31, 2022.

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

c. Acceptance of Resignation – Police Sergeant Scott Sheehan:

Motion was offered by Supervisor Palermo, seconded by Councilman Burke, to accept, with regrets, the resignation of Scott Sheehan from the position of full-time Police Sergeant effective January 24, 2021.

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

Supervisor Palermo stated Sergeant Sheehan has been an officer for twenty years and he has been an exemplary employee. Chief Watson asked him to pass on well wishes. The Board collectively wished Sergeant Sheehan to best in his retirement.

d. Acceptance of Resignation – Police Officer Ally Thueson:

Motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to accept the resignation of Ally Thueson from the position of full-time Police Officer effective February 3, 2021.

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

The Board collectively wished her the best in her future endeavors. Chief Watson asked him to pass on well wishes.

V. Old Business:

EXTRA ITEM – Procurement Policy Amendment:

Supervisor Palermo stated Lena Baroutjian should have been listed as an individual that can make purchases for his office in the procurement policy. Therefore, he offered a motion, seconded by Councilman Etzel, to make this amendment.

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

EXTRA ITEM – John P Burke Renovations Update:

Councilwoman Hernandez reminded everyone that the Board is excited about putting together the new timeline for the construction of the pool. The bidding process will hopefully begin this month, as well as plan approvals from the Department of Health, so that work can begin early spring.

Councilman Burke added that he spoke with Engineer Fusco and he feels everything should be coming to the Town Board for review prior to February 15.

VI. Board Meeting Comments

Councilwoman Hernandez sent her condolences to Supervisor Palermo and Deputy Town Clerk Tracy Maggio, both have experienced family losses over the past few weeks. She then announced the Art Council will be meeting on February 9 at 7PM and there will be a Climate Smart Community Task Force meeting on February 10 at 7PM. She thanked the committee members that worked on the emergency response plan and also acknowledged Councilman Hunter and Clerk Potvin for their work with her to update the Employee Handbook. The Handbook is being finalized and will be presented to the Town Board for review and approval (the union has already reviewed and provided input).

Councilman Burke also sent condolences to Supervisor Palermo and Tracy Maggio. He then recognized the efforts of the following departments for the great job they did battling the recent huge snowstorm we had: Highway, Water/Sewer and Buildings/Grounds.

Clerk Potvin acknowledged the passing of Anthony “Tony” Maggio, the husband of Deputy Town Clerk Tracy Maggio. Tony was a retired police officer with the NYPD 19th Precinct and a member of the

Woodbury Community Ambulance for the past 20 years. He and Tracy were married for 34 years, have one son named Andrew. Tony will be missed in our community.

Supervisor Palermo thanked everyone for their condolence and added his father was a good guy who taught him everything he knows. He then noted we had a lot of snow and sometimes he does not get how people complain to the Town about all the snow and what is going to be done with the garbage and mail. He feels everyone needs to be patient – the Town received over two-feet of snow. If you live on a private road, you need to clean your road – the garbage company will not drive on it if it is not passable. It is not the responsibility of the Town or the Village to clear private roads. Residents are also responsible for clearing a spot for their garbage cans – they cannot be left in the roadways. He suggested instead of calling his office to complain they get out there and do their responsibility. He then reminded the public there is a “build a snowman” contest sponsored by the Parks Department so he suggests that everyone participate in that and have fun doing so. He thanked all the crews that were out handling what needed to be handled, adding that everyone road is passable that is owned by the Village, State or County. Chief Watson asked him to wish Kathleen McHugh a long and enjoyable retirement for him. He concluded by stating that he has meetings setup this week about events that certain groups have planned that they will not be doing. He will have a lot to discuss at the next meeting.

VII. Adjournment:

With no further business to discuss or comments received, a motion was offered by Councilman Burke, seconded by Councilwoman Hernandez, to adjourn the meeting at 8:30PM.

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

Desiree Potvin, Town Clerk