

Joint Meeting of the Town Board and Village Board held at Village Hall on April 22, 2019 at 7PM

Present: Town Board: Frank Palermo, Supervisor
 Timothy Arone, Councilman
 Michael Essig, Councilman
 Robert Hunter, Councilman
 Jacqueline Hernandez, Councilwoman

 Village Board: Michael Queenan, Mayor
 Timothy Egan, Trustee
 Thomas Flood, Trustee
 Andrew Giacomazza, Trustee
 Jesus Gomez, Trustee

Also Present: Robert Weyant, Village Streets Superintendent; Sandra Capriglione and Maria Hunter, Planning Board; Craig Brady, Zoning Board; Joseph Gianzero, Parks Director

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**TOWN BOARD ACTIONS RELATING TO THE 2020 OC COMMUNITY DEVELOPMENT GRANT:**

a. Resolution - Fair Housing:

The Town of Woodbury supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New York State Human Rights Law. It is the policy of the Town of Woodbury to implement programs to ensure equal opportunity in housing for all person regardless of race, color, religion, ancestry, sex (including pregnancy), national origin, nationality, familial status, marital or domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, AIDS/HIV status and Lawful Income or South of Lawful Rent Payment (Section 8). The Town of Woodbury further objects to discrimination in the sale, rental, leasing, financing of housing or lands to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability as prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New York State Human Rights Law. Therefore, the Municipal Council of the Town of Woodbury does hereby approve the following resolution upon a motion made by Councilman Essig, seconded by Councilwoman Hernandez:

**BE IT RESOLVED**, that within available resources, the Town of Woodbury will assist all persons who feel they have been discriminated against under one of the aforementioned categories, to seek equity under federal and state laws by filing a complaint with the New York State Human Rights Law and the U.S. Department of Housing and Urban Development, as appropriate.

**BE IT FURTHER RESOLVED**, that the Town of Woodbury shall publicize this resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the New York State Human Rights Law, and any local laws or ordinances.

**BE IT FUTHER RESOLVED**, that the municipality will at a minimum include, but not limited to: (1) the printing and publicizing of this resolution, a fair housing public notice and other applicable fair housing information through local media, community contacts and placement on the Municipal website and in other social media; (2) distribution of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

**ADOPTED**       AYES   5           Palermo, Arone, Essig, Hunter, Hernandez

NOES 0

b. Resolution - Submission of OCCD FY2020 Application:

Motion was offered by Councilman Essig, seconded by Councilwoman Hernandez, to affirm the following: The Town of Woodbury is hereby submitting its Application for consideration under the FY-2020 Orange Urban County Consortium Community Development Program and the chief elected official or executive officer is hereby authorized to submit this Application for ADA Ramp and ADA Door as described in the proposal. Input from citizens and groups has been received and considered and an application has been prepared which addresses their community concerns. They further certify that they have read and understood the Orange Urban County Consortium Community Development Guidelines for the FY-2020 program year and have met all of its applicable requirements and that the information contained in the Application is accurate and true to the best of their knowledge. If awarded CDBG funds, the Municipality shall implement the activities in a manner to ensure compliance with all applicable federal, state, and local laws and regulations.

**ADOPTED**      AYES    5            Palermo, Arone, Essig, Hunter, Hernandez  
                     NOES    0

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RESUMING OF JOINT MEETING TO DISCUSS LITIGATION SETTLEMENT

Mayor Queenan noted at the last meeting the Town Board had four issues that they wanted resolved in order to settle the litigation:

- 1) Lot-Line Change between Library and Highway Property Access Road - A site visit was held with Trustee Gomez, himself, Councilman Arone and Councilman Essig. The current boundary line is the fence on the west side of the Senior Center. The Town would like the boundary to be the curb which would add approximately three feet to the western boundary of the Senior Center. The curb would then be the new boundary between the Senior Center and the Highway Department access road to County Route 105. The Village agrees to the change as long as the Town pays for any costs incurred with the lot line change.
- 2) Final Bond Payment for Highway Garage - The Town states they made the final bond payment on the Highway garage in the amount of \$62K after the land swap occurred and it is their position that the Village should have been responsible for this payment. The Village agrees and will reimburse the Town the amount they paid minus all legal costs the Village has incurred for the litigation that was brought against the Village by the Town.
- 3) Land Transfer Not Equal Value - The Town feels the land transfer that occurred was not equitable. He feels that the cost is irrelevant because all the land is owned by the taxpayers and only control of the properties have changed. The Highway property is assessed for \$815,900 and the reservoir is assessed for \$370,170 which is a difference of \$445,730. These assessments are from the 1986 revaluation. He believes the reservoir property is severely undervalued in its assessment and that the 123 acres the Town received has tremendous value and would be priceless in the hands of a private developer. He also noted the land that the Town received in the swap includes not only the body of water referred to the "the Rez" but also the pavilion, beach, parking lot, dog park, animal shelter, ball field, bocce court and access road. He believes the swap of land was more than fair and that the Town got the better deal. The Highway facilities should have come over to the Village when the Department did and he feels wasting more taxpayer dollars by paying for a valuation to be done is a waste. The Town administers the parks and the Village administers the Highway so each having ownership of those properties makes logical sense.

- 4) Harriman Restitution - The Village currently permits Harriman to store salt in the salt shed and uses Village personnel and equipment to load the salt onto Harriman's trucks. He believes this arrangement is likely to continue for the unforeseeable future or until Harriman can build a shed in a place that would not impact their water supply. He noted this arrangement costs the taxpayers of Harriman zero dollars. He is unsure why the Town has collected taxes from Harriman for highway functions when they have their own highway department. He feels the Town, not the Village, should be reimbursing Harriman if they choose to do so.

Supervisor Palermo stated it would have been nice if the Village had provided the statement made by Mayor Queenan ahead of time to the Town so it could be reviewed. Mayor Queenan stated the Village was not provided with the Town's statement ahead of the last meeting. Supervisor Palermo stated that statement was prepared by Councilwoman Hernandez and the Town did not have it in advanced either.

Councilwoman Hernandez recommended the Town take time to review the comments made by Mayor Queenan like the Village was able to do after the last joint meeting. Regarding the litigation, there are strong opinions on both sides as to why the suit was initiated by the Town. She has taken notes this evening and she wants the TB to have an opportunity to discuss them. Supervisor Palermo recommended the Town enter into a "caucus" to discuss the comments made.

7:12PM the Town Board exited the meeting to meet in private. No motion was made to do so.

7:25PM the Town Board returned and the meeting resumed.

Councilwoman Hernandez thanked the public for their patience while the Town met to discuss the proposal by the Village. She then stated the following:

- 1) The Town agrees to pay for any costs related to correcting the boundary lot-line change
- 2) The Town requested a written breakdown of the legal fees paid by the Village associated with the litigation prior to agreeing to the bond payment resolution
- 3) The property value maybe significantly different and the Town will pay for the valuation to be done so that an accurate amount is available based on current year data as opposed to the 1986 valuation stated by Mayor Queenan
- 4) Supervisor Palermo met with Mayor Welle after the last joint meeting and Mayor Welle requested a meeting with the Town to assess the issue more. She invited the Village to attend the meeting when it is scheduled.

Mayor Queenan stated once the litigation has ended the Village will provide a written account of all the legal fees it had occurred to defend it. He feels the valuation is a waste of money but has no issue with the Town proceeding at their own cost. The alternative is reversing the exchange and then the Village would need to build its own Highway garage on the parks property, which he feels is ridiculous. He does not understand why the Town would want to spend more money on this issue. Regarding a meeting with Harriman, he feels the Village does not need to attend as the Village was not the entity that taxed Harriman incorrectly. He added the Town is also currently taxing Harriman for a courthouse even though they have their own. All Village Board members agreed the Village did not need to be in attendance at a meeting with Harriman.

Councilwoman Hernandez stated the Town will then meet with Harriman and an additional joint meeting can be held after the valuation has been completed.

Trustee Egan stated at the last joint meeting legal costs were discussed. At that time the Village publically stated they had spent approximately \$22K and the Town stated they did not know how much they had spent but would be able to provide that figure at this meeting. Supervisor Palermo stated the Town does not have the figure. Trustee Giacomazza asked how come the Town does not know how much they spent on the litigation. Councilwoman Hernandez stated the Town is aware of a ballpark figure but since invoices are still being received they are not prepared to state the number at this time. Trustee Giacomazza stated he feels the information should be available to the public. Councilman Hunter stated the Town is spending money to fix what should have been done correctly the first time and asked the Village if they had read the lawsuit. Mayor Queenan stated that is the Town's opinion and version of what transpired. Supervisor Palermo stated it is known that former Supervisor Sutz never spoke to the attorney regarding the issue. Mayor Queenan stated that is what Attorney McKay told the Town but it is not known if another attorney was spoken to about the issue. Supervisor Palermo stated he feels the entire discussion is disingenuous. Trustee Flood stated the Village is aware of an approximate amount they spent and the Town should be able to provide to the Village an approximate amount they have spent. The information can be FOIed if necessary but the Village is being open with its information and they are requesting the Town to do the same.

Supervisor Palermo stated the Town would like to meet again to discuss the issue further and he hopes to resolve the issue.

Mayor Queenan stated it appears issue one is resolved and issue two is tentatively resolved pending an agreement on an amount. Issue three there is not an agreement on whether a valuation is necessary but the Town will be moving forward with it. He feels when taken into consideration all the building that was done by the Town on the Village property without permission it may not be worth what the Town thinks. Supervisor Palermo stated he feels the Village received \$3 million in land and the property the Village gave the Town is parkland. Mayor Queenan stated it is not parkland and does not state that it is parkland on any documentation. Councilman Hunter suggested the deed be checked.

Councilwoman Hernandez asked if both sides are prepared to set a next meeting date. Supervisor Palermo stated all should review their calendars and he will then propose dates to the Village for consideration. He then noted that Mayor Welle thanked him for standing up for his constituents.

Councilwoman Hernandez recommended the next meeting be held in June. She feels the Town should be able to propose a date to the Village by the end of April. Supervisor Palermo stated it can be discussed at the Town's May 2 meeting.

Mayor Queenan asked if the litigation stay will be continued and Supervisor Palermo stated the stay was issued for 60 days but he will check if an extension can be applied for.

Motion was offered by Councilwoman Hernandez, seconded by Councilman Arone, to adjourn the meeting at 7:45PM. All voted in favor of said motion and the motion unanimously carried.

Motion was offered by Trustee Giacomazza, seconded by Trustee Flood, to adjourn the meeting at 7:44PM. All voted in favor of said motion and the motion unanimously carried.

Desiree Potvin, Town/Village Clerk