

Minutes of the Virtual Town Board Meeting held on October 1, 2020 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; members of the public

I. Public Hearings:

a. Introductory Local Law 1 of 2020 – Tax Cap Override:

A public hearing was held to entertain comments on Introductory Local Law 1 of 2020 entitled “Tax Cap Override” which will override the tax levy limit established in General Municipal Law Section 3-c for the Town’s 2021 budget. The public notice was printed in the Times Herald Record on September 22, 2020 and no comments were received. Motion was then offered by Councilman Burke, seconded by Councilman Hunter, to close the public hearing.

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

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

WHEREAS, a resolution was duly adopted by the Town Board on September 3, 2020, scheduling a public hearing to be held by said Governing Body on October 1, 2020 at 7:30PM, to hear all interested parties on a proposed local law entitled “Tax Cap Override”; and

WHEREAS, on September 3, 2020, the Town Board designated itself as Lead Agency with respect to the SEQRA review of the foregoing proposed local law, preliminarily classified the proposed action as an Unlisted action under SEQRA, and scheduled a SEQRA public hearing with respect to the action; and

WHEREAS, notice of said public hearing was duly advertised in the Times Herald-Record, the official newspaper of said Town, on September 22, 2020 according to law; and

WHEREAS, said public hearing was duly held virtually on October 1, 2020, at or about 7:30PM and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Town Board has reviewed the proposed local law, the short environmental assessment form prepared in connection therewith, and considered the public comment provided at the aforesaid public hearings, and after due deliberation thereon.

NOW, THEREFORE, BE IT HEREBY

RESOLVED by the Town Board of the Town of Woodbury that:

- 1) the proposed local law constitutes an Unlisted action pursuant to SEQRA;
- 2) the proposed local law has no significant adverse environmental impacts and the Town Board hereby issues a negative declaration thereon;
- 3) the adoption of the proposed local law is in the best interests of the residents of the Town, and the Town Board hereby adopts said Local Law No 1 of 2020, entitled “Tax Cap Override”; and
- 4) the Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Woodbury, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

ADOPTED BY ROLL CALL AS FOLLOWS:

Supervisor Palermo	AYES
Councilman Burke	AYES
Councilman Etzel	AYES

Councilwoman Hernandez AYES
Councilman Hunter AYES

b. Special District Assessment Rolls

Town Clerk Potvin stated the public notice announcing the public hearing on the assessment rolls for the special districts was printed in the Times Herald Record on September 22, 2020. She also explained that these hearing are for the public to correct the special district assessment rolls with regards to the number of units that are charged for specific properties, not to argue the assessment or the amount of taxes paid.

CONSOLIDATED SEWER DISTRICT:

The public hearing on the assessment roll for the Consolidated Sewer District was opened. There were no comments received. Motion was offered by Councilwoman Hernandez, seconded by Supervisor Palermo, to close the hearing on the Consolidated Sewer District assessment roll.

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

WATER DISTRICT #6 (AMDUR PARK):

The public hearing on the assessment roll for Water District #6 was opened. There were no comments received. Motion was offered by Supervisor Palermo, seconded by Councilman Etzel, to close the hearing on the Water District #6 assessment roll.

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

SEWER DISTRICT #1 (VALLEY FORGE):

The public hearing on the assessment roll for Sewer District #1 was opened. There were no comments received. Motion was then offered by Councilwoman Hernandez, seconded by Councilman Hunter, to close the hearing on the Sewer District #1 assessment roll.

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

REFUSE DISTRICT:

The public hearing on the assessment roll for the Refuse District was opened. There were no comments received. Motion was then offered by Councilman Etzel, seconded by Councilman Burke, to close the hearing on the Refuse District assessment roll.

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

HIGHLAND LAKE ESTATES SEWER DISTRICT:

The public hearing on the assessment roll for the Highland Lake Estates Sewer District was opened. There were no comments received. Motion was then offered by Councilman Etzel, seconded by Councilwoman Hernandez, to close the hearing on the Highland Lake Estates Sewer District assessment roll.

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

ADOPTION OF ALL SPECIAL DISTRICT ASSESSMENT ROLLS:

Motion was then offered by Councilwoman Hernandez, seconded by Supervisor Palermo, to accept the assessment rolls for the following special districts: Consolidated Sewer District, Water District #6, Sewer District #1, Refuse District and Highland Lakes Estates Sewer District.

ADOPTED BY ROLL CALL AS FOLLOWS:

Supervisor Palermo	AYES
Councilman Burke	AYES
Councilman Etzel	AYES
Councilwoman Hernandez	AYES
Councilman Hunter	AYES

c. Introductory Local Law No 2 of 2020 - Repeal of Various Chapters:

A public hearing was held to entertain comments on Introductory Local Law 2 of 2020 entitled "Repeal of Various Chapters" which will repeal various chapters of the Town Code that are no longer applicable due to the formation of the Village of Woodbury. The public notice was printed in the Times Herald Record on September 22, 2020 and no comments were received. Motion was offered by Councilman Hunter, seconded by Councilwoman Hernandez, to close the public hearing.

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

Motion was then offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to adopt the following resolution:

WHEREAS, a resolution was duly adopted by the Town Board on September 3, 2020, scheduling a public hearing to be held by said Governing Body on October 1, 2020 at 7:30PM, to hear all interested parties on a proposed local law entitled "Repeal of Various Chapters"; and

WHEREAS, on September 3, 2020, the Town Board designated itself as Lead Agency with respect to the SEQRA review of the foregoing proposed local law, preliminarily classified the proposed action as an Unlisted action under SEQRA, and scheduled a SEQRA public hearing with respect to the action; and

WHEREAS, notice of said public hearing was duly advertised in the Times Herald-Record, the official newspaper of said Town, on September 22, 2020 according to law; and

WHEREAS, said public hearing was duly held virtually on October 1, 2020, at or about 7:30PM and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Town Board has reviewed the proposed local law, the short environmental assessment form prepared in connection therewith, and considered the public comment provided at the aforesaid public hearings, and after due deliberation thereon.

NOW, THEREFORE, BE IT HEREBY

RESOLVED by the Town Board of the Town of Woodbury that:

- 1) the proposed local law constitutes an Unlisted action pursuant to SEQRA;
- 2) the proposed local law has no significant adverse environmental impacts and the Town Board hereby issues a negative declaration thereon;
- 3) the adoption of the proposed local law is in the best interests of the residents of the Town, and the Town Board hereby adopts said Local Law No 2 of 2020, entitled "Repeal of Various Chapters"; and
- 4) the Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Woodbury, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

ADOPTED BY ROLL CALL AS FOLLOWS:

Supervisor Palermo	AYES
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Councilman Burke	AYES
Councilman Etzel	AYES
Councilwoman Hernandez	AYES
Councilman Hunter	AYES

EXTRA ITEM - Public Comments: *No comments were received.*

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Burke, to accept receipt of the minutes of the meeting held September 17, 2020.

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

b. Approval of Abstract:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Hunter, to approve Abstract 18 containing vouchers 20201287 – 20201350 (voiding voucher 20201341; check #23065) and totaling \$91,939.57.

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

c. Approval of Budget Modification:

Motion was offered by Supervisor Palermo, seconded by Councilman Etzel, to approve the following modifications to the 2020 budget:

- Records Management – increasing A1410.461 (Records Management) by \$5559, A2770 (Unclassified Revenue) by \$3443 and decreasing A1410.435 (Law Book Supplements) by \$2116;
- Buildings/Grounds – increasing A1620.463 (Tools) by \$2100 and decreasing A1620.452 (Vehicle Maintenance) by \$2100;
- General Fund – increasing A9060.801 (HRA/MVP) by \$56,000 and decreasing A9060.800 (Health Insurance) by \$56,000;
- Buildings/Grounds – increasing A1620.434 (Licenses/Permits) by \$2465 and decreasing A1620.419 (Earl Reservoir Dam Repair) by \$2465.

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

III. New Business:

a. Tentative FY2021 Budget:

Town Clerk Potvin stated pursuant to Town Law Section 106(3), a copy of the Fiscal Year 2021 Tentative Budget was received by her office on September 24, 2020 and has been distributed to the Board members via e-mail on September 29, 2020.

b. Announcement of Budget Worksessions:

Supervisor Palermo announced that budget worksessions will be held pursuant to the following schedule. All meetings will begin at 6PM and be held at the Town Hall meeting room: October 5 - General Fund; October 7 - B Fund; October 8 - Library and Other Funds. A discussion was held about moving the meeting to the Community Center and possibly making them available in a virtual format.

The Board collectively decided to hold the sessions at the Community Center but there are no plans to make it available virtually.

c. Schedule Public Hearing – FY2021 Preliminary Budget:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Etzel, to schedule a public hearing to be held at 7:30PM on November 5, 2020 on the Fiscal Year 2021 Preliminary Budget. Supervisor Palermo noted at this time the public hearing is scheduled to be held at the Community Center.

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

d. Authorize Supervisor to Sign Stratagem Proposal – Assessor Camera and Extra Panic Button:

Motion was offered by Councilman Burke, seconded by Councilman Hunter, to accept and authorize the Supervisor to sign the proposal from Stratagem for the installation of a camera in the Assessor’s Office and a panic button in the Parks Department at a total cost of \$3150.10.

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

e. Authorize Supervisor to Sign Settlement Agreement with Village of Woodbury:

Supervisor Palermo thanked Mayor Egan for meeting with him and making this a priority issue to resolve. Councilman Burke stated he recalls at a meeting in 2019 when Councilman Hunter stated he wanted to see this issue resolved in the very near future and he listened and agreed with that statement. He then commended the attorneys and members of both Boards for getting this issue resolved. Councilwoman Hernandez thanked the Town Board members and Attorney McKay’s office for addressing the issues the Board at the time was concerned with. She also thanked the Village Board for supporting and compromising on the issues. She is looking forward to increased relations between the two boards. Councilman Hunter stated it comes down to talking and communicating. He encouraged the Board to talk to each other, whether they like each other or not. Supervisor Palermo commended the Town Board for stating how they felt and for doing the right thing.

Motion was then offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to adopt the following resolution:

WHEREAS, the Town of Woodbury commenced litigation against the Village of Woodbury (the “Parties”) under Index Number EF006036-2018, seeking to void certain property transfers between the Parties; and

WHEREAS, the Parties have agreed to settle the action on mutually agreeable terms, including the subdivision of property currently designated as SBL 219-5-21.2; and

WHEREAS, counsel for the Village has prepared a “Stipulation of Settlement and Discontinuance” (the “Stipulation”), and the same has been executed by the Mayor of the Village; and

WHEREAS, the Attorneys for the Town have reviewed the executed Stipulation and the Town Board agrees with the terms set forth in the Stipulation;

NOW, THEREFORE IT IS HEREBY

RESOLVED that the Town agrees to settle the action in accordance with the terms of the written Stipulation; and be it further

RESOLVED that the Supervisor is authorized to execute the Stipulation and such documents as may be required to fulfill the conditions of the Stipulation of Settlement.

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

f. Appointment of Part-Time SRO:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Burke, to appoint Michael Bauer as a part-time School Resource Officer at an hourly rate of \$32.4615 and start date of October 13, 2020.

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

g. Appointment of Full-Time Library Clerk at Reduced Hours:

Motion was offered by Supervisor Palermo, seconded by Councilman Burke, to appoint Audrey Wolf as a full-time Library Clerk, working at reduced hours of 15 per week, at a Grade Level 2 with an hourly rate of \$18.7105 and a start date of October 5, 2020, subject to final approval from the County.

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

Councilwoman Hernandez asked if this appointment is to fill a vacancy and Supervisor Palermo stated it was. He added it is an in-person staffing position, not a virtual one.

EXTRA ITEM – Zombie Poles Law:

Motion was offered by Supervisor Palermo, seconded by Councilman Burke, to authorize Attorney McKay to look into a law against zombie poles.

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

Supervisor Palermo stated the Board understands this is a Village Law but the Town would like to copy it. There is currently nothing being done to enforce the law since the Village adopted their law. Village Trustee Giacomazza has a list of all the zombie poles in the Village but he has not shared it when Supervisor Palermo requested it. There are many poles that are on State and County right-of-ways. He feels the Town will do what it needs to do to have the poles removed since there is nothing being done by the Village.

IV. Board Meeting Comments

Councilman Burke stated the SRO contract is complete and he thanked the work that Attorney McKay did on it. At this point the contract with is the School Board to approve at their next meeting for them to authorize the President to sign. Last week he went to Smith Clove Elementary and Central Valley Elementary School to introduce himself to the SRO's assigned there. They are happy to be working and the kids seemed to enjoy seeing them. This past weekend he ran into Neil Crouse who is the President of the Woodbury Historical Society. Their current newsletter has an article that Mr. Crouse wrote about Ace Farm and its history in Woodbury over the past 100+ years. Councilman Burke congratulated the Etzel family on the article.

Councilwoman Hernandez stated the Woodbury Art Council will resume meeting soon and adding anyone interested in participating should contact her for more information. She then noted that Woodbury has been part of the Climate Smart Community initiative since 2010 and we will be forming a Smart Community Task Force which will enable the Town to be certified and earn points towards grant money. She then noted over the past couple of weeks the Town has received numerous complaints about speeding. The speed monitor has been erected at various locations in Town and we are becoming more aggressive with enforcement due to safety concerns. She urged everyone to drive slowly and obey the posted speed limits. She then announced the Senior Center has been planning some outdoor

activities and taking precautionary steps to ensure everyone is safe. She then thanked all the departments heads for all they are doing.

Councilman Etzel thanked Neil Crouse for the article he wrote in the recent Historical Society newsletter. He also thanked Councilwoman Hernandez for providing him feedback about the issues the public has been having with cable. He held a meeting with representatives from the company a few weeks ago and they promised to follow-up after looking into the issues raised. They reached out to him last week and they are working on increasing the number of nodes. They are also putting in a new upline cable for upline steams as well, which they are waiting for FCC approval on. He urged the public to continue sending him the issue they are having so he can stay on top of it.

Councilman Hunter thanked the Highway Department for all the work they have done at the pool which is saving the Town a lot of money.

Supervisor Palermo stated he has been in contact with the County because of COVID related issue. Many county exams have been postponed or delayed and they are looking for locations to host testing. He has offered the Community Center and they are very interested in using the space. In addition to speeding, stop signs are also being ignored. Enforcement has increased and no warnings will be issue and no leniency will be granted. The Chief is aware of the Boards feeling on this issue. He then noted a lot of people have contacted him about the comments made about him at the recent Village Board meeting. He feels that if they have nothing better to do then attack him then they need to improve their lives.

V. 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 8:35PM.

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

Desiree Potvin, Town Clerk

LOCAL LAW NO 1 OF 2020

A local law to override the tax levy limit established in General Municipal Law §3-c

Be it enacted by the Town Board of the Town of Woodbury as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Woodbury to adopt a budget for the fiscal year commencing January 1, 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Woodbury, County of Orange, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

LOCAL LAW 2 OF 2020

A LOCAL LAW RESCINDING CHAPTERS 23, 27, 36, 62, 99, 103, 106, 109, 113, 132, 139, 146, 154, 159, 161, 165, 181, 185, 202, 208, 215, 234, 240, 253, 264, 267, 269, 286, 298, AND 301 OF THE TOWN CODE OF THE TOWN OF WOODBURY

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WOODBURY AS FOLLOWS:

Section 1. Title

This local law shall be referred to as “A Local Law Rescinding Chapters 23, 27, 36, 62, 99, 103, 106, 109, 113, 132, 139, 146, 154, 159, 161, 165, 181, 185, 202, 208, 215, 234, 240, 253, 264, 267, 269, 286, 298, and 301 of the Town Code”.

Section 2. Legislative Intent.

The Village of Woodbury was incorporated on August 28, 2006. Upon its incorporation, pursuant to the New York State Municipal Home Rule Law, the Village of Woodbury was empowered to adopt local laws, rules and regulations concerning its property and affairs. Pursuant to the New York State Village Law, for a period of two years subsequent to the creation of the Village of Woodbury, the Town of Woodbury code continued to be applicable to and govern within the boundaries of the village, so long as the village not had adopted legislation contrary to the provisions of the Town Code.

In the years since the incorporation of the Village of Woodbury, the village has assumed jurisdiction over numerous governmental functions and services previously performed by the town and has adopted its own local laws governing those functions. The village now has jurisdiction over, among other things, planning and zoning, building construction, and the operation and control of former special districts and town roads.

It is the intent of this Local Law to repeal a number of chapters of the Town Code that contain mere vestiges of the Town’s former jurisdiction and authority.

Section 3. Repeal of Chapters

The following chapters of the Town Code of the Town of Woodbury are hereby repealed:

- a. Chapter 23: Business and Industrial Development Committee;
- b. Chapter 27: Court;
- c. Chapter 36: Environmental Conservation Commission;
- d. Chapter 62: Publication of Legislation;
- e. Chapter 99: Numbering of Buildings;
- f. Chapter 103: Bungalows;
- g. Chapter 106: Outdoor Burning;
- h. Chapter 109: Cemeteries;
- i. Chapter 113: Licensing of Contractors;
- j. Chapter 132: Energy Conservation Construction Code;
- k. Chapter 139: Fair Housing;
- l. Chapter 146: Fences;
- m. Chapter 154: Fire Prevention;
- n. Chapter 159: Flood Damage Prevention;
- o. Chapter 161: Flood Hazard Areas;

- p. Chapter 181: Homes and Home Buyers;
- q. Chapter 202: Malicious Mischief;
- r. Chapter 208: Noise;
- s. Chapter 215: Open Space Administration;
- t. Chapter 234: Peddling and Soliciting;
- u. Chapter 240: Property Maintenance;
- v. Chapter 253: Sewers;
- w. Chapter 264: Solid Waste;
- x. Chapter 267: Stormwater Management and Erosion and Sediment Control;
- y. Chapter 269: Streets and Sidewalks;
- z. Chapter 286: Trees;
- aa. Chapter 298: Water; and
- bb. Chapter 301: Water and Sewer Inspections.

Authority.

This Local Law is enacted pursuant to Municipal Home Rule Law § 10(1)(ii)(a)(12).

Section 4. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Woodbury hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 5. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.