

Minutes of the Town Board Meeting held on February 1, 2018 at 7:30PM

Present: Frank Palermo, Supervisor
Michael Essig, Jacqueline Hernandez and Robert Hunter, Councilmen
Absent: Timothy Arone, Councilman
Also Present: Joseph McKay, Attorney for the Town; Kevin Watson, Police Chief; Tracy Maggio, Deputy Town Clerk; Thomas Burke, Willa Freiband and John Smith, Parks Commission; Sandra Capriglione and Maria Hunter, Village Planning Board; Andrew Giacomazza, Village Zoning Board

Pledge of Allegiance Led by Aarez Funaro, Junior Deputy Supervisor

1. Public Hearing - Introductory Local Law #1 of 2018 - Increase to Supervisor Salary:

A public hearing was held to entertain public comment on the adoption of Introductory Local Law 1 of 2018 which will increase the salary of the elected Town Supervisor from \$33,000 to \$53,130 effective January 1, 2018. The public notice was printed in the Times Herald Record on January 24, 2018 and the following comments were received:

James Freiband noted over the past number of years, since Mr. Caruso pressed forward with the combination of Village/Town, the idea was that as duties were transferred the salary would be recognized in terms of the overhead. In this particular instance, in terms of the reduction, he believes it was a poison pill by the previous administration. He feels we cannot move forward if games are going to be played. He feels it should be restored at this time and then all the salaries, Village and Town, should be looked into in terms of being revised. He concluded by stating this Supervisor works full-time and should be compensated.

Robin Crouse stated she is 100% opposed to this proposed local law. She feels it is self-serving for the Supervisor, ill-conceived and fiscally irresponsible. After doing careful research of what the town's authority is to govern, protect and service the citizens of Woodbury, she feels it is also a responsibility to protect the tax dollars, which she feels this proposed law does not. With regards to the section of the proposed law under legislative history - it states in part the Board has "reviewed and reconsidered its earlier determination to reduce the salary of the Supervisor in light of the fact that there will be no reduction in duties or responsibilities for fiscal year 2018". However the Village was formed in 2006, by overwhelming approval, and in 2007 major departments was shifted from the Town to the Village. This transfer reduced the responsibility and authority of the Town, but the salary of the Supervisor was never adjusted accordingly, which she feels should be looked at carefully. She then noted at the October public budget worksession the Board members present agreed to the salary reduction and she is curious why the proposed law states the Board reconsidered the reduction. In addition, the Supervisor has stated numerous times that he is justifying the increase because he will not be employing a secretary, which is commendable. However, he failed to mention he currently receives health benefits that are funded by the taxpayers, at a cost of approximately \$25,000. She does not feel that the Supervisor's position needs to be full-time and the individual should only be available and accessible when needed. She concluded by stating a Supervisor does not need to be at Town Hall as the Town is fortunate to have very capable Department Heads that do not need to be micromanaged.

Sandra Capriglione stated she agrees with comments made by Mrs. Crouse. In addition, she feels it is ludicrous that Supervisor Palermo will be voting on his own salary increase. At the first meeting of this year this salary increase was discussed but it was not mentioned that Supervisor Palermo takes health insurance benefits, and is the only Supervisor/Councilman to do in many years. She feels the salary of \$33,000 is exactly where it should be. Supervisor Palermo also stated at the January 9 meeting that the salary of the Supervisor has not changed in over ten years. She has

researched the minutes and in 2006 the budget (prior to the formation of the Village) showed expenses totaling \$15 million and in 2018 the expense are \$12.8 million. Therefore, she does not understand how an increase in the salary is justified. She added the Village's 2017/2018 budget has expenses totaling \$9.9 million and the Mayor is paid \$25,000 - causing the Supervisor's salary to be 65% higher. By increasing the Supervisors salary, and including the benefits, it will be more then all five Village Board members are paid. At the October budget worksession the salary decrease was discussed at length and specific individuals took to social media to imply wrong doing. When it was discussed, it was justified by then Supervisor Sutz as the "heavy lifting" had been done. He, with Eileen Sutherland, saved the taxpayers money by not hiring a budget officer, transforming the way the budget was addressed and lowered taxes two years in a row. It was his opinion that the work was done and there was no justification for the \$53,000 salary. At that October meeting Supervisor Palermo had an opportunity to oppose this opinion but no comments were made. At the public hearing before the November election no comments were made either. She feels there is an obligation to keep the salary where it is for this fiscal year since that was the salary in the adopted budget. She added there is a responsibility to the taxpayers. She asked what would happen to the taxpayers if the Mayor and Village Board decide they should be paid the same as the Town Board. She noted the Board members are public servants and should not be acting like politicians. She feels that a \$33,000 salary with benefits is fair compensation.

Thomas Burke stated he remembers when the Village was formed in 2006 and remembers when all the departments were transferred to the Village. As the years went by the same individual spoke requesting a salary reduction and the Board opted to not increase the salary. He feels the work speaks for itself. He was taken aback that no one stood up and said the "highway departments day to day operation was transferred to the Village Mayor/Board" but no one said a word and then a few months before the November election the salary was suddenly decreased. He feels this is a personal and negative attacked and the community should rise above this. The elected officials will do the right thing and will do what they think is the right thing.

Andrew Giacomazza stated he is disappointed that the first order of business for the new Supervisor was to give himself a pay increase. He is also disappointed that individuals are attacking former Supervisor Sutz and that he is being accused of reducing the salary deliberately. He added the work responsibility has been reduced so therefore the salary should be decreased as well.

Rey Hernandez stated he is 100% in support of restoring the salary of the Supervisor to the original amount. Prior residents have stated this is a raise - this is not a raise. Former Supervisor Sutz enjoyed the salary and after he lost the primary he decided to reduce the salary. He feels the personal attacks to the Supervisor and Board is uncalled for and he feels the entire Board deserves a raise. He feels they each do a lot for the community, unlike the village. With regards to the health insurance, he noted this is 2018 and a full-time individual should be provided health insurance. He feels talking about it is a slap in the face. He then noted, with regards to the budget and the statements about the former Supervisor supposedly saving money, it was done so because the Police Department was understaffed by nine police officers, a lieutenant and three sergeants.

Maria Hunter noted at the January 9 meeting Councilman Essig stressed there would be a savings to the residents since there will not be a Confidential Secretary hired for the Supervisor. However, this evening there is an agenda item to hire an account clerk position which equates to \$29,000 salary (not including payroll taxes) and is a new position added to the office staff of the Supervisor's office presumably. She is aware that Councilman Arone has asked this law not be voted on until he is able to be present which she agrees with. She also noted there was a posting for a part-time clerk for twelve hours per week. Therefore, the savings addressed at the January 9 meeting are no longer being seen and she strongly asked the two positions be looked at.

David Levinson submitted a letter stating he was not in favor of the adoption of the law. He believes the reduction was done voluntarily by former Supervisor Sutz in full recognition of the

diminished responsibilities of the town. He feels the Supervisor's position no longer requires a full-time salary. If a salary is determined to be warranted, he feels it should be addressed in the 2019 budget.

With no further comments received, a motion was offered by Councilwoman Hernandez, seconded by Councilman Essig, to close the public hearing.

ADOPTED AYES 4 Palermo, Essig, Hernandez, Hunter
 NOES 0

Supervisor Palermo thanked everyone for their comments and noted the voting on this proposed local law will be tabled until a full board is present, as requested by Councilman Arone.

2. Public Input (Agenda Items only):

Bhargav Vyas, representing the Monroe-Woodbury Central School District, stated the District is seeking input for a strategic plan that would determine what the next three to five years will look like. They are asking everyone to go to the District's website and to access the link to take the questionnaire. The survey will take approximately 20 minutes and there are two different types - one for residents with children in school and one for those without. The information will be helpful to see where the district is excelling and where improvements may be needed.

3. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilwoman Hernandez, seconded by Supervisor Palermo, to accept receipt of the minutes of the Town Board meetings held January 16, 2018 and January 18, 2018.

ADOPTED AYES 4 Palermo, Essig, Hernandez, Hunter
 NOES 0

b. Approval of Abstract:

Motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to approve Abstract 3 containing vouchers 20180144 - 20180206 and totaling \$125,717.56.

ADOPTED AYES 4 Palermo, Essig, Hernandez, Hunter
 NOES 0

c. Acceptance of Resignation:

Motion was offered by Councilman Hunter, seconded by Councilwoman Hernandez, to accept the resignation of Joseph Gianzero from the position of Recreation Director effective January 19, 2018. This is due to Mr. Gianzero being appointed to the position of Program Coordinator.

ADOPTED AYES 4 Palermo, Essig, Hernandez, Hunter
 NOES 0

Councilman Essig noted he was not at the last meeting and inquired if a civil service test is required for this position. Supervisor Palermo stated there is and the appointment made last meeting was a provisional appointment pending the exam.

d. Announce Completion of 2017 Annual Accounting:

Supervisor Palermo announced the annual accounting of the 2017 records, as required pursuant to Section 62 of Town Law, was completed January 19, 2018. Both he and Councilwoman Hernandez conducted the review with each Department that handles money collection.

e. Authorize Supervisor to sign Municipal Resolution-Urban County Cooperation Agreement

Motion was offered by Councilman Essig, seconded by Councilman Hunter, to adopt the following resolution authorizing the Town of Woodbury to enter into an amendment to the existing

Cooperation Agreement dated July 8, 1993, as amended, with the County of Orange for the purpose of undertaking community development and home programs for the program year commencing federal fiscal years 2018, 2019, 2020 (and for successive three year qualification periods as provided for in the automatic renewal provision) pursuant to the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended:

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development ("HUD") authorized, under Title 1 of the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended to make grants to states and other units of general local government to help finance Community Development and Affordable Housing Programs; and

WHEREAS, it is desirable and in the public interest that the Town of Woodbury participate in aforesaid Community Development and HOME Programs for the program year commencing Federal Fiscal Years 2018, 2019, 2020, (and successive three year qualification period); and

WHEREAS, the Town of Woodbury understands that by executing this Cooperation Agreement it becomes an included unit of general local government in the Urban County CDBG Entitlement Program, HOME Program and ESG Program and that it:

- a) May not apply for grants under the Small Cities for State CDBG Programs from appropriations for fiscal years during the period in which it is participating in the Urban County's CDBG Program; and
- b) May not participate in a HOME Program consortium except through the Urban County, regardless of whether the Urban County receives a HOME formula allocation; and
- c) May not receive a formula allocation under the ESG Program except through the Urban County.

WHEREAS, this Town Board deems it to be in the public interest for the Town of Woodbury to enter into an Amendment to the existing Cooperation Agreement dated July 8, 1993, as amended, with the County of Orange for the aforesaid purpose;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and he hereby is authorized and directed to execute a Cooperation Agreement Amendment between the Town of Woodbury and the County of Orange for the purpose of undertaking Community Development and HOME Programs pursuant to the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended, for the program year commencing Federal Fiscal Years 2018, 2019, 2020 (and successive three year qualification periods).

ADOPTED AYES 4 Palermo, Essig, Hernandez, Hunter
 NOES 0

f. Appointment of Lena Baroutjian to Account Clerk @19.27 (UPSEU Grade 5) not to exceed 1508 hrs. per year. Start date Feb. 5, 2018

Supervisor Palermo noted Mrs. Baroutjian is a very proficient account clerk and she even teaches accounting. She has been in this country for 21 years and has incredible academics. She was also the only candidate that passed the in house test that each candidate was asked to take. The reason he has decided to hire an additional clerk is that there are two employees that are eligible to retire whenever they decide too. He believes having someone in the position for transition is a good idea in case one of the employees decides to retire at moment's notice. He believes having a transition period is important. He then welcomed Mrs. Baroutjian to the Town and stated he looks forward to her starting work on Monday. Motion was then offered by Supervisor Palermo to appoint Lena Baroutjian to the position of Account Clerk effective February 5, 2018. This position will not exceed 1508 hours per year and is paid \$19.27/hour and is classified as a union position UPSEU Grade 5. There was no second. Councilwoman Hernandez suggested it be tabled as there is some discussion needed and Councilman

Essig agreed. Supervisor Palermo stated he is disappointed and hopes the reasons are not political. He noted there is a timeframe imposed by the County that must be met and will expire before the next meeting. He noted the process was delayed due to some personal issues his staff had. Seven people were interviewed by the Supervisor and Department Head. Mrs. Baroutjian was the best and brightest candidate. He added he has never been more embarrassed as a Supervisor or Town Board member and apologized to Mrs. Baroutjian.

g. Appointment of Luis Roman to Custodian @16.36 (UPSEU exhibit A Grade 1) not to exceed 1508 hrs. per year. Start date Feb 5, 2018

Motion was offered by Councilwoman Hernandez, seconded by Councilman Essig, to appoint Luis Roman to the position of custodian effective February 5, 2018. This position will not exceed 1508 hours per year and is paid \$16.36/hour and is classified as a union position UPSEU Grade 1 Exhibit A.

ADOPTED AYES 4 Palermo, Essig, Hernandez, Hunter
NOES 0

EXTRA ITEM - Appointment of Animal Control and Shelter Manager:

Motion was offered by Councilman Essig, seconded Councilman Hunter, to officially appoint Pamela Gambuti, effective February 1, 2018, to the position of Animal Control and Shelter Manager since she has successfully passed the civil service examination for this position, scoring a 90.

ADOPTED AYES 4 Palermo, Essig, Hernandez, Hunter
NOES 0

4. New Business:

a. Approval to Schedule Public Hearing Introductory Local Law #2 Tax Exempt Solar Panel:

Motion was offered by Councilman Essig, seconded by Councilman Hunter, to adopt the following resolution setting a time and place for a public hearing to adopt a local law to override the solar/wind tax exemption enacted pursuant to New York State Real Property Tax Law §487:

WHEREAS, New York State enacted legislation which applies to solar energy systems, wind power systems and farm waste energy systems providing for a 15-year exemption from real property taxation; and

WHEREAS, the Town Board wishes to adopt a local law to override and opt out of providing an exemption from real property taxation as it pertains to solar energy systems, wind power systems and farm waste energy systems; and

WHEREAS, the Town Board wishes to set a time and place for a public hearing to consider adopting the proposed local law to override and opt out of providing an exemption from real property taxation as it pertains to solar energy systems, wind power systems and farm waste energy systems;

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Town Board hereby determines that it will be the lead agency with respect to the review of the proposed local law (the "project") in accord with New York State Environmental Quality Review Act ("SEQRA") and part 617 of the regulations implementing SEQRA, since there are no other agencies that have the authority to approve the project; and let it be further

RESOLVED, that the Town Board hereby preliminary classifies the action as an Unlisted action under SEQRA; and let it be further

RESOLVED, that a public hearing be held by the Town Board in order to receive comments and suggestions regarding adopting the proposed local law and to hear comments concerning any potential adverse environmental impacts of the proposed local law on February 15, 2018 at 7:30PM at the Town Hall located at 511 Route 32, Highland Mills, New York; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law, and to make such referrals of the proposed local law to the Orange County Department of Planning and such other agencies as may be required.

ADOPTED AYES 4 Palermo, Essig, Hernandez, Hunter
 NOES 0

5. Old Business:

a. Approval of Al Fusco Engineering to review town hall:

Motion was offered by Councilman Hunter, seconded by Councilman Essig, to approve Engineer Al Fusco to review the structural integrity and viability of Town Hall. He wants to be sure the employees of the Town Hall are in a safe structure.

ADOPTED AYES 4 Palermo, Essig, Hernandez, Hunter
 NOES 0

Councilman Essig asked if a timeframe should be imposed and Supervisor Palermo stated he did not think it was necessary.

6. Board Member Comments:

Councilman Hunter stated he is waiting for the day this Town Board and the Village Board gets together and do what it can do to create one governing entity to simplify things and to save money. Councilman Essig agreed this needs to be done and he is definitely in favor of meeting with the Village Board to create one entity that represents the residents.

Councilwoman Hernandez thanked all that attended the meeting tonight and for sharing their input. She noted the Town Board wants to incorporate the voice of the community and that each member will take into consideration the different aspects of the proposed law. Supervisor Palermo has put a lot of work into the job. She also stated the department heads do a wonderful job handling their departments and the individuals that run the town and village have their own responsibilities to adhere too. She then noted as Deputy Supervisor the work she has done in one month feels almost like a full, part-time job. She stated there are a number of things done by the Town Board members that sacrifice their own time that the public does not see, adding they do not just attend a meeting. She stands firm behind the Supervisor in restoring the salary as it is a full-time job that goes beyond the 40 hours a week. With regards to the appointment of an account clerk, there was some discussion about the issue but there is some more discussion that needs to be held. She noted we want to be as responsible as possible so the right mindset is there to make the decision.

EXTRA ITEM - Executive Session - 8:25PM:

Motion was offered by Councilwoman Hernandez, seconded by Supervisor Palermo, to enter into an executive session for a personnel issue.

ADOPTED AYES 4 Palermo, Essig, Hernandez, Hunter
 NOES 0

No minutes of the executive session were recorded.

Motion was offered by Councilman Essig, seconded by Councilwoman Hernandez, to end the executive session at 8:50PM.

ADOPTED AYES 4 Palermo, Essig, Hernandez, Hunter
 NOES 0

Supervisor Palermo apologized for embarrassing the board with his earlier comments. He noted the Board has been communicating well between each other and getting a lot of work done. Unfortunately this issue was unable to be discussed at the last worksession because the interviews were not finalized as of yet. This position will form a transition in the Supervisor's Office so that there is coverage in the accounting department and so that there is a plan in place so the office can work smoothly. He believes in all Departments there needs to be a future plan so that at no point there is an issue if someone leaves a position. He feels this is a very important issue and a transitional plan should be in place.

Motion was then offered by Councilwoman Hernandez, seconded by Councilman Essig, to appoint Lena Baroutjian to the position of Account Clerk effective February 5, 2018. This position will not exceed 1508 hours per year and is paid \$19.27/hour and is classified as a union position UPSEU Grade 5.

ADOPTED AYES 4 Palermo, Essig, Hernandez, Hunter
 NOES 0

7. Adjournment:

With no further business to discuss or comments received, a motion was offered by Councilman Hunter, seconded by Councilman Essig, to adjourn the meeting at 8:52PM.

ADOPTED AYES 4 Palermo, Essig, Hernandez, Hunter
 NOES 0

Desiree Potvin, Town Clerk