

Minutes of the Town Board Meeting held on October 18, 2018 at 7:30PM

Present: Frank Palermo, Supervisor
Timothy Arone, Jacqueline Hernandez and Robert Hunter, Council
Absent: Michael Essig, Council
Also Present: Eric Ossentjuk, Attorney for the Town; Joseph Gianzero, Parks Director; Kevin Watson, Police Chief; Willa Freiband and John Smith, Parks Commissioner; Sandra Capriglione and Maria Hunter, Village Planning Board; Andrew Giacomazza, Village Zoning Board

1. Public Input (Agenda Items only):

Robin Crouse asked about the resolution being discussion this evening regarding the purchase of the building on Adams Street. Supervisor Palermo stated the resolution will be for the purchase of the property, for Engineer Fusco to do an environmental test/survey and for Attorney McKay to review the contract to be sure it is okay. Mrs. Crouse then asked if the renovations will be voted upon and Supervisor Palermo stated he does not believe that is required, adding the only immediate renovations that will be needed is to expand the office space. The parking lot will be done next year and the garage space will be improved for records storage. Mrs. Crouse asked if the deed, contract and test results will be available online for review once they are done and Supervisor Palermo stated they would be. Mrs. Crouse then asked what the salaries of the elected officials for 2019 are proposed to be and Clerk Potvin read them as follows: Supervisor \$58,500, Town Clerk \$65,280, Town Justice \$32,045 each, Town Council \$10,200 each and Tax Collector \$16,810.

Sandra Capriglione asked about the Adams Street building acquisition. She noticed there has already been a voucher submitted by Engineer Fusco for work at the site. Supervisor Palermo noted Engineer Fusco attended a site visit of the property and did some preliminary inspections (checked for moisture, cracks in walls). Mrs. Capriglione asked if the \$300K is being expended from the Building Fund and she was told yes. Supervisor Palermo added in the 2019 budget there is \$100K budgeted to add back into the Building Fund.

John Smith commended the board for going into executive session the other night and coming out with reasonable salaries for the elected officials. Regarding the building acquisition on Adams Street, he feels the price is good. He then stated today he went to the Central Valley library and sat there for about 1 1/2 hours and only two patrons came in during that time - one to use the copy machine and one that did not have the correct library card. In addition, the library hosts programs for adults and children but instead of them taking place in one of the libraries they utilize the Senior Center. He suggested using the Central Valley library as Town offices instead of as a library. He also feels a very careful investigation should be done by the Town Board to determine exactly what is going on at the Library. He noted the time changes made at Central Valley library make it impossible for anyone with a normal job to attend a function there. He added there is hardly anyone that goes to the Highland Mills library near closing time and noted Monroe has started to close early as well. He questioned if this is something that RCLS is enforcing. He also noted he does not know of any other Town in Orange County that has more than one library in their municipality. He feels the Board needs to close one of the libraries as the department is a money pit. Supervisor Palermo noted the Central Valley library can only be used as a library as it was deeded to the Town as such. Mr. Smith stated he feels this should be taken seriously and he is not sure about the financial abilities of the Library Board members. He feels the cost to the taxpayers is too high and it was obvious the Central Valley library was no longer needed since no one expressed concern while it was closed for several months. Councilwoman Hernandez stated she meet with Sara a few weeks ago and they are looking into ways to increase the usage of the library with

technology taking over books. She noted this is happening to libraries all over and she will continue to work with them to look for programs to draw residents to the library.

2. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to accept receipt of the minutes of the meeting held October 4, 2018.

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

b. Approval of Abstract:

Motion was offered by Councilman Hunter, seconded by Councilwoman Hernandez, to approve Abstract 20 containing vouchers 20181733 - 20181798 and totaling \$183,413.35.

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

c. Approval of Budget Modifications:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to approve a modification to the budget of the Parks Department by decreasing A7110.417 (Field Maintenance) by \$569, A7110.462 (Repairs, Material Replacement) by \$3611 and increasing A1620.474 (Park Repairs Other) by \$4180.

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

Motion was then offered by Councilwoman Hernandez, seconded by Councilman Hunter, to approve a modification to the budget of the Senior Center by decreasing A7620.469 (Kitchen) by \$773.88 and increasing A7620.411 (Office Supplies) by \$638.88, A7110.400 (Contractual) by \$135.

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

Motion was then offered by Councilman Arone, seconded by Councilman Hunter, to approve a modification to the budget of the Police Department by decreasing B3120.101 (Compensated Absences) by \$5000 and increasing B3120.401 (Contractual - Telephone) by \$5000.

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

Motion was then offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to approve a modification to the budget of the Woodbury Common Business Improvement District by decreasing SMB3120.409 (Interpreters) by \$1250 and increasing SMB3120.400 (Contractual) by \$1250.

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

Motion was then offered by Councilman Arone, seconded by Councilwoman Hernandez, to approve a modification to then budget of the Parks Department by decreasing A7110.430 (Day Camp Expenditures) by \$3593.47 and increasing A7110.429 (Special Programs) by \$62.40, A7110.463 (Chemicals) by \$1807.34, A7110.402 (Electricity) by \$1723.73.

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

Motion was then offered by Councilman Arone, seconded by Councilwoman Hernandez, to approve a modification to the budget of the Woodbury Common Business Improvement District by decreasing SMB3120.100 (Police Personal Service) by \$568 and increasing SMB3120.403 (Policing - Other Agency) by \$568.

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

3. New Business:

a. Schedule Public Hearing - 2019 Preliminary Budget:

Motion was offered by Supervisor Palermo, seconded by Councilman Arone, to schedule a public hearing to be held at Town Hall on November 1, 2018 at 7:30PM to entertain public comments on the FY2019 Preliminary Budget.

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

b. Resolution - Purchase of 19 Adams Street, Highland Mills:

Councilman Hunter asked when the report and survey by Engineer Fusco will be received and Supervisor Palermo stated he has already sent away for a Phase I environmental inspection. Attorney Ossentjuk stated he has received the contract back today from the owner and the comments were not bad. He believes the contract can be signed tomorrow. The Phase I inspection should take about two weeks to complete so he feels the closing date should be in about three weeks. Councilman Hunter stated the property has always been used as a garage and was wondering if there are underground tanks and Attorney Ossentjuk stated that is something the inspection report will determine. If something is found then a Phase 2 will need to be done. He knows that Engineer Fusco has already reached out to the NYSDEC for more information. He added that the contract has a due diligence period of 30 days and an extension can be requested. Councilman Arone stated he is not in favor of the building being purchased although he completely agrees the Parks Department needs more space. He feels the rental space in the professional building can be made to work and then as more space becomes available we can expand. He also feels that having all departments under one roof is desired. Motion was then offered by Councilman Arone, seconded by Councilwoman Hernandez, to adopt the following resolution of the Town Board of the Town of Woodbury authorizing the Town Supervisor to enter into a contract with Osweiler Bros. Equipment, Inc., to purchase property at 19 Adams Street, Highland Mills, New York and to authorize Fusco Engineering to complete a Phase 1 environmental inspection and survey of the property:

WHEREAS, the Town of Woodbury (the "Town"), pursuant to Town Law section 220, wishes to purchase that certain parcel of real property and the improvements located thereon known as 19 Adams Street, Highland Mills, New York and more particularly described on the tax maps of Orange County as Section 220/Block 2/Lot 15.1 ("19 Adams") using surplus funds; and

WHEREAS, the seller, Osweiler Bros. Equipment, Inc., has provided the Town with a real estate contract of sale (the "Contract") with a purchase price of three hundred thousand dollars, which the attorneys for the Town have reviewed; and

WHEREAS, the execution of the contract is contingent upon a title search and contains a thirty-day due diligence period; and

WHEREAS, and the attorneys for the Town have recommended that during the due diligence period the Town have a survey and a Phase 1 environmental inspection performed; and

WHEREAS, the Town Board finds that the purchase of 19 Adams is in the best interest of the Town and wishes to authorize the Town Supervisor to execute the Contract; and

WHEREAS, the Town Board wishes to authorize Fusco Engineering & Land Surveying, P.C. to perform a survey and a Phase 1 environmental inspection of 19 Adams; and

WHEREAS, the Town Board has reviewed the EAF prepared by the Attorneys for the Town in connection with this project;

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town Board determines that it is the lead agency with respect to the review of the proposed real property located at 19 Adams Street (the “project”) in accord with New York State Environmental Quality Review Act (“SEQRA”) and part 617 of the regulations implementing SEQRA, because there are no other agencies that have the authority to approve the project; and let it be further

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

RESOLVED, that the Town Board hereby issues a negative declaration for the project pursuant to SEQRA; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to enter into a contract with Osweiler Bros. Equipment, Inc., for purchase of the real property located at 19 Adams Street, and to execute such other necessary documents as may be required to complete the purchase; and let it be further

RESOLVED, that the Town Board hereby authorizes Fusco Engineering & Surveying, P.C. to perform a Phase 1 environmental review and survey for the property.

ADOPTED AYES 3 Palermo, Hernandez, Hunter
 NOES 1 Arone

c. Resolution - Discontinuance of Pending Action:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Arone, to adopt the following resolution of the Town of Woodbury Town Board authorizing the law firm of Catania, Mahon, Milligram & Rider, PLLC to discontinue the pending action commenced by the Village of Kiryas Joel against, inter alia, the Town of Woodbury identified under index no. 3101/2013 to prohibit the interference with the construction of a water pipeline:

WHEREAS, on or about April 12, 2013 an action was commenced against, inter alia the Town of Woodbury, New York by the Village of Kiryas Joel, (Plaintiffs) by the filing of a Verified Summons and Complaint, in the Supreme Court of the State of New York, Orange County seeking an order of the Court for relief, inter alia, declaring null and void the April 5, 2013 Resolution of codefendant Orange County Legislature and permanently enjoining the defendants from taking action to enforce the April 5, 2013 Resolution; and

WHEREAS, the defendants have agreed that the Resolution adopted by defendant Orange County Legislature on April 5, 2013 as referenced in said decision and order is rendered moot to the extent that construction of the subject pipeline has been completed within the defendant municipality, Town of Woodbury; and

WHEREAS, the parties have agreed that the Order and Decision of the Supreme Court of Orange County by the Honorable Francis A. Nicolai, dated January 6, 2014 and entered by the Clerk of the within court on January 6, 2014 will not be appealed by any of the defendants; and

WHEREAS, the parties, through their attorneys, are willing to discontinue all causes of actions and claims, affirmative defenses, and counterclaims with prejudice and without costs or fees to any party as against the other; and

WHEREAS, Petitioners-Plaintiffs, Kiryas Joel, through their attorneys are willing to discontinue the Action with prejudice; and

WHEREAS, the Town Board of the Town of Woodbury has discussed and considered the issues related to discontinuing this action; and

WHEREAS, the Town Board of the Town of Woodbury finds that it is in the best interest of the Town of Woodbury to settle this matter;

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Town’s attorneys Catania, Mahon, Milligram and Rider, PLLC and Joseph G. McKay, Esq., a member of the firm, shall have the authority to discontinue the matter described herein

on behalf of the Town of Woodbury and the Board directs the Town's attorneys and Joseph G. McKay, Esq. to execute the stipulation of discontinuance with prejudice and any other necessary settlement documents on behalf of the Town of Woodbury.

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

d. Retirement of Police Sergeant - John Bourke:

Motion was offered by Councilman Hunter, seconded by Councilwoman Hernandez, to accept the resignation/retirement, with regrets, of John Bourke from the position of Police Sergeant effective November 1, 2018.

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

Sergeant Bourke was thanked by Councilmen Arone and Hunter for his service to the community.

e. Advertise for Upcoming Vacancies on Various Boards:

Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to authorize the Town Clerk to advertise for letters of interests from residents to serve on the Beautification Committee (one vacancy), Library Board (two vacancies) and Parks/Recreation Commission (one vacancy). Letters of interest are due by 4PM on November 9, 2018.

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

4. Old Business: *There was no old business to discuss.*

5. Department Reports

- a. Supervisor's Report - Not Received
- b. Town Clerk's Report - September 2018
- c. Buildings/Grounds Report - September 2018
- d. Animal/Goose Control Report - September 2018
- e. Police/Communications Report - September 2018
- f. Police Commissioners Minutes - None Received
- g. Beautification Committee Minutes - October 11, 2018
- h. Library Minutes -September 25, 2018
- i. Parks/Recreation Minutes - September 18, 2018
- j. Budget vs. Actual - September 2018

6. Public Comment

Chris Granziano asked if any borings are going to be done at the Adams Street property and Supervisor Palermo stated he was not sure how it worked but Engineer Fusco will be handling it. He will be getting the history of the property from the NYSDEC. Mr. Granziano stated a soil boring test is a standard thing to do when purchasing a property.

Sandra Capriglione stated at the last Town Board meeting Reynaldo Hernandez polled the Board regarding their feelings on a joint building and all seemed to be in favor of it. If that is the case why wasn't the Village approached earlier this year by the Town to discuss it. Supervisor Palermo stated he was not in favor of a joint building, adding there are no other municipalities in Orange County, to his knowledge, that share a building. Councilman Arone stated again he would like to see all departments under one roof but he has not heard a plan that he likes. Mrs. Capriglione stated in February the Village

Mayor sent a letter to the Town Board to request a committee be formed. Councilman Arone stated he does not recall the letter but believes the last attempt had "too many cooks in the kitchen". Councilman Hunter stated he recalls the letter, that it was emailed, but he feels the "ship has sailed on this issue" and the Town needs to move forward. Councilwoman Hernandez noted her first experience with the Village was a discussion about terminating the Intermunicipal Agreement and the Village no longer providing a clerk to handle refuse issues. She added there have been a lot of discussions but the Board needs to be cautious when proceeding due to the lawsuit. In January there was a lot of anger on the Town Board and since then they have discussed issues and are now working more productively. The goal is to have a realistic solution for the taxpayers and to be unified with one vision. The vision right now is to either purchase the professional building when more space becomes available in three years, which would include space for the Village if they are interested, or building something new. Supervisor Palermo noted the biggest problem is the Village owns the property where he would like to have built a building. When a meeting was held to discuss using it, the Village said no and that they have plans for that area. Councilman Arone stated he and Councilman Essig met with Mayor Queenan and Trustee Egan to try to come up with a resolution and brainstormed ideas. Nothing concrete was decided.

Willa Freiband stated candidate for Assembly Matt Retig wanted to introduce himself but left the meeting early.

Maria Hunter stated, based on her experience working in a lawyer's office, that if an extension may be needed for the environmental test on the property at Adams Street then there should be an addendum to the contract that states the buyer will allow an extension if needed. Attorney Ossentjuk stated there is a rider but it has nothing to do with the extension. Mrs. Hunter stated she feels it would be a safe measure to protect the Town. She then asked Councilwoman Hernandez about the request to put a mural somewhere on Route 32 and Councilwoman Hernandez stated she believes that issue was dropped. Mrs. Hunter then asked if there was an official letter from the Town to the Village about the relocation of offices and Supervisor Palermo stated it was done verbally. Mrs. Hunter then thanked the Board for reinstating the public comment section at the end of the meeting but feels that it has become a quasi-public hearing - noting it should just be for comments and not a Q&A session with the Board. She also noted that comments can be misconstrued and suggested the Board "watch what they say as it could come back and bite them".

Director Gianzero thanked the Board for their hind sight to purchase the Adams Street building. This will provide the parks department with the space necessary to store all of their supplies (which is currently in various locations) and a better space for interaction with residents. He then noted that all new ID cards will need to be issued with the new program and the extra space will help. He also feels this property will help reduce the congestion on Adams Street when games are at Brickley Field.

7. Board Member Comments

Councilwoman Hernandez noted the website is moving along and they are working very hard to make sure it is user friendly and clutter free. The hope is that it is finalized by the end of the month. She then noted that today is Domestic Violence Awareness day and noted Orange County has services available to anyone that needs help. She then stated sadly there was a suicide about two weeks ago and noted there is a teen center that meets every Friday for free.

Supervisor Palermo stated he watched the October 11 Village Board meeting and feels that it is deplorable that one board would attack another board as we are all here for the same goal. He takes

great exception to his Board being attacked and is embarrassed as a taxpayer and resident that they did so. He then noted some upcoming events.

Councilman Arone noted earlier this month the Friendly Visitors Program had their first annual appreciation dinner. He sincerely thanked Neil Crouse for administrating this program and for using his stipend to pay for the dinner.

8:35PM - Executive Session: Attorney Client Meeting - Illegal Dumping & UPSEU contact

Motion was offered by Councilwoman Hernandez, seconded by Councilman Arone, to enter into an executive session pursuant to Public Officers Law Section 105(1)(d) to discuss one item of litigation relating to illegal dumping and Section 105(1)(e) to discuss the negotiations of the UPSEU contract.

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

8. Adjournment:

With no further comments received or business to discuss, a motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to end the executive session and adjourn the meeting at 9:05PM.

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

Desiree Potvin, Town Clerk