

Minutes of the Town Board Meeting held at Town Hall on February 21, 2019 at 7:30PM

Present: Frank Palermo, Supervisor  
Michael Essig, Jacqueline Hernandez and Robert Hunter, Council  
Absent: Timothy Arone, Council  
Also Present: Joseph McKay, Attorney for the Town; Kevin Watson, Police Chief; John Smith, Parks Commissioner; Sandra Capriglione and Maria Hunter, Village Planning Board

**I. Public Input:**

Sandra Capriglione stated at the last Village Board meeting the Village Board came up with a few dates to discuss the settlement of the litigation as requested by the Town Board. She asked if the Town Board has discussed this issue. Supervisor Palermo stated an email was received today from the Village Clerk with proposed dates - any Monday in March with the exception of March 11. The Town Board discussed their availability and decided March 25 would work best at 7PM at the Village Hall and open to the public to attend. Mrs. Capriglione then noted at the last meeting a discussion was held regarding the contaminated soil on property the Town owns (formerly Gasho) and that Supervisor Palermo would have a report back at this meeting regarding its removal. Supervisor Palermo stated he spoke with Engineer Fusco and they feel the best solution would be to retest the soil to be positive there is no expanded contamination. Mrs. Capriglione then noted at the last meeting it was announced the Justice Court was awarded a grant from Senator Skoufis and she asked if it was matching and Supervisor Palermo stated it is not. Mrs. Capriglione then stated on the abstract there are several vouchers and under the description it says "Reno to Court and New Town Hall" and Supervisor Palermo stated that these items are being expended from the \$100,000 that was budgeted in the 2019 budget. The grant will be for specific purposes at the courthouse (siding, windows, roof, front steps, ramp, parking lot). Mrs. Capriglione then asked about a voucher for the Village and Supervisor Palermo confirmed it was for the Village's share for the sales tax revenue.

John Smith asked about the eruv at Country Crossing to be discussed this evening - if you are not Hasidic or Jewish and live in the community can the eruv be constructed on your property. Supervisor Palermo stated the request is to go across property owned by the Town. It is his understanding the Village Building Inspector is requiring the applicant to obtain permission from every property owner needed. The eruv will be erected along the rear of each property and he was assured by doing this the ones currently visible in the front of the properties will be removed. Mr. Smith stated he thought the Village was thinking about challenging this issue and Supervisor Palermo informed Mr. Smith he would need to speak to the Village about that.

**II. Administrative Business:**

a. Acceptance of Minutes:

Motion was offered by Councilman Essig, seconded by Councilwoman Hernandez, to accept receipt of the minutes of the regular meeting held February 7, 2019.

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

b. Approval of Abstract:

Motion was offered by Supervisor Palermo, seconded by Councilman Hunter, to approve Abstract 4 containing vouchers 20190282 - 20190373 and totaling \$431,840.30.

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

c. Approval of Budget Modifications:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Essig, to approve modifications to the 2018 budget as follows:

- 1) Increasing A1110.430 (Transportation/Travel) by \$193, A1620.472 (Library Repairs Only) by \$83 and decreasing A1110.400 (Contractual Expense) by \$193, A1620.477 (Building & Grounds Building Repairs Only) by \$83;
- 2) Increasing L7410.412 (Postage) by \$17.28, L7410.430 (Travel) by \$159.10, L7410.437 (AV Equipment/Videos) by \$2013.02, L7410.463 (Computer Software) by \$10.75, L7410.401 (Telephone) by \$354.83 and decreasing L7410.411 (Office Supplies) by \$28.03, L7410.444 (School & Dues) by \$159.10, L7410.464 (Equipment Maintenance) by \$2013.02, L7410.200 (Equipment) by \$354.83

and a modification to the 2019 budget was follows:

- 1) Increase A1220.463 (Computer Software Maintenance) by \$397 and decreasing A1220.400 (Contractual Expenses) by \$397

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

EXTRA ITEM – Acceptance of Resignation - Refuse Clerk:

Motion was offered by Councilman Essig, seconded by Councilwoman Hernandez, to accept the resignation of Zhanna Funaro from the position of Refuse Clerk effective March 1, 2019.

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

The Board all agreed Zhanna did a wonderful job and she will be missed.

**III. New Business:**

a. Approval for Family Medical Leave for an employee:

Motion was offered by Councilman Hunter, seconded by Councilwoman Hernandez, to approve a request received from an employee to continue an unpaid, three-month family medical leave of absence which will end on May 30, 2019.

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

b. Authorize Supervisor to sign DWI agreement with Orange County:

Motion was offered by Councilman Essig, seconded by Councilwoman Hernandez, to authorize the Supervisor to sign the Stop DWI agreement with the County of Orange beginning March 15, 2019 through January 1, 2020. The contract indicates the not-to-exceed total dollar amount for the first period (March 15 - May 28) as being \$3008.50. There will be subsequent letters for the other two periods of the year.

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

c. Appointment; Jessica Spall, Part-time Dispatcher for the WPD @ \$22.11p/hr. per PBA contract. Start date 2-23-2019:

Motion was offered by Councilwoman Hernandez, seconded by Supervisor Palermo, to approve the appointment of Jessica Spall to the position of part-time Dispatcher at a rate of \$22.11/hour per PBA contract. Her start date is March 2, 2019.

**ADOPTED**      AYES    4            Palermo, Essig, Hernandez, Hunter

NOES 0

d. Approval to allow Country Crossing Eruv:

Supervisor Palermo stated the Village of Woodbury received a permit application from homeowners in the Country Crossing development to construct fencing to be used as an eruv. The Building Inspector is requiring that all affected property owners provide written consent to the fencing. Motion was offered by Supervisor Palermo, seconded by Councilman Hunter, to authorize the replacement of fencing and/or installation of fencing on town property adjacent to the Country Crossing development, on terms required by the Village Building Inspector, and subject to further terms and conditions contained in an agreement to be prepared by the Town Attorney.

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

Councilman Hunter stated the map supplied shows the eruv ending at Janice Drive but does not show the Country Crossings development at all. Supervisor Palermo stated he and Attorney McKay walked the entire property and the eruv does go behind, adding there is a telephone pole on Schunnemunk Road that the eruv goes on and then up by Earl's Reservoir - it does not go behind Janice Drive. The eruv will go around the perimeter of the entire development and Attorney McKay stated it will not cross over any public roads (there is a graveled driveway it will cross over that accesses a water source). Attorney McKay noted his office is preparing an agreement because the applicant has engaged the services of a surveyor be sure the eruv is placed properly pursuant to the Building Inspector. Councilman Hunter confirmed all legal costs incurred by the Town for this application will be paid for by the applicant and Attorney McKay stated Supervisor Palermo informed the applicant of that being a requirement.

EXTRA ITEM - Authorize Supervisor to Sign Proposal - CBIZ Fixed Assets:

Motion was offered by Councilman Hunter, seconded by Councilwoman Hernandez, to authorize the Supervisor to sign a proposal for services received from CBIZ Valuation Group for the preparation of the 2018 GASB 34 reporting at a cost of \$1580.

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

**IV. Old Business:**

EXTRA ITEM - Town Hall Meeting Room:

Councilman Hunter stated he sent an email to the Supervisor about the set-up of the meeting room and access for the disabled but he did not receive a response. Supervisor Palermo stated he spoke with the Assessor about purchasing furniture and would secure her office while permitting access to the meeting room.

EXTRA ITEM - Parks Website/Software Update:

Councilwoman Hernandez stated she met with the Parks Department regarding their new website and new software. She reminded all that everyone in Town will need to obtain a new park pass this year and there will be no charge to do so unless this is the year that your current pass expires.

EXTRA ITEM - Recreation Building Update:

Councilman Hunter asked if the punch-list items for the recreation building have been completed. Supervisor Palermo stated there one area that requires touch-up painting and that is all that needs to be done. He added the sign was erected recently.

EXTRA ITEM - Codebook Review/Update:

Clerk Potvin asked the Board to consider reviewing the Town Code and updated it accordingly by repealing laws that are no longer under the Town's responsibility since the Village was formed in 2006. Attorney McKay was asked to look into this issue.

**V. Department Reports:**

a. Supervisor's Reports:

Motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to approve the August 2018 Supervisor's Report with receipts totaling \$166,003.31 and disbursements totaling \$1,267,481.08.

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

Motion was then offered by Councilman Essig, seconded by Councilman Hunter, to approve the September 2018 Supervisor's Report with receipts totaling \$206,541.23 and disbursements totaling \$1,231,886.89.

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

Motion was then offered by Supervisor Palermo, seconded by Councilman Essig, to approve the October 2018 Supervisor's Report with receipts totaling \$704,031.14 and disbursements totaling \$996,834.86.

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

Motion was then offered by Councilwoman Hernandez, seconded by Councilman Hunter, to approve the November 2018 Supervisor's Report with receipts totaling \$382,884.07 and disbursements totaling \$2,112,265.79.

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

Motion was then offered by Supervisor Palermo, seconded by Councilman Essig, to approve the December 2018 Supervisor's Report with receipts totaling \$156,351.30 and disbursements totaling \$1,190,734.05.

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

Motion was then offered by Councilwoman Hernandez, seconded by Councilman Hunter, to approve the January 2019 Supervisor's Report with receipts totaling \$6,819,785.17 and disbursements totaling \$998,604.45.

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

- b. Town Clerks Report - January 2019
- c. Building & Grounds - January 2019
- d. ACO Report - January 2019
- e. Police/Communications Report - January 2019
- f. Beautification Committee Minutes - February 7, 2019
- g. Library - February 5, 2019
- h. Parks & Recreation - January 15, 2019
- i. Budget vs. Actual - January 2019

**VI. Board Meeting Comments:**

Supervisor Palermo stated his office receives a lot of calls about refuse collection inquiring about delays or date changes for pick-ups due to holidays. Residents can log onto the Town's website to enroll

in our alert program. By doing so, you will receive an email about any refuse changes or any other alerts you select to be notified about. Supervisor Palermo then stated approximately two weeks ago the Town was sued by the Highland Lakes Estates (HLE) Homeowners Association (HOA) and several of its officers. The lawsuit alleges that the Town's Police Department has unequally enforced the laws against residents living in the HLE development. He stated the allegations in this complaint are false and that the Town's Police Department is a tremendous asset to our Town. The members of the Department serve the community with pride and treat all individuals fairly and equally. The Town will vigorously defend the members of the Police Department in court. He added it is unfortunate that the HLEHOA and its officers chose to commence this "baseless" legal action because it will only result in the Town incurring significant legal expenses to vindicate its police officers.

**8:05PM – Executive Session:**

Motion was offered by Councilwoman Hernandez, seconded by Councilman Hunter, to enter into an executive session pursuant to Public Officers Law Section 105(f) to discuss one item relating to employment of an individual in the police department.

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

*No minutes of the executive session were recorded as no action was taken by formal vote of the board.*

**VII. Adjournment:**

With no further business to discuss, a motion was offered by Councilman Essig, seconded by Supervisor Palermo, to end the executive session and adjourn the meeting at 8:30PM.

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

Desiree Potvin, Village Clerk

*After adjournment, the Board entered into a closed session with Attorney McKay.*