

Minutes of the Town Board Meeting held on September 19, 2019 at 7:30PM

Present: Frank Palermo, Supervisor
Michael Essig, Jacqueline Hernandez and Robert Hunter, Council
Absent: Timothy Arone
Also Present: Joseph McKay, Attorney for the Town; Kevin Watson, Police Chief; Joseph Gianzero, Parks Director; Thomas Burke, Denise DaCunha and John Smith, Parks Commissioners

Work Session at 6:15 PM - Discuss Proposed Work on Pool

The Town Board and members of the Parks & Recreation Commission met to discuss in detail the plans for the renovations to the John P Burke Pool. Consultant John Petroccione participated in the meeting as well. Public comment was received. The worksession ended at approximately 7:10PM. Supervisor Palermo thanked all that attended.

Presentations:

Recognition Award to Maria Hunter:

Councilman Hunter presented Mrs. Hunter with a certificate recognizing her for the 19 1/2 years she served on the Planning Board (Town Planning Board February 2001 - June 2007; Village Planning Board June 2007 - May 2019).

Recognition Award to Brandon Gibson:

Councilwoman Hernandez presented Mr. Gibson with a certificate recognizing him for the work he did at the Dog Park for his Eagle Scout project.

Recognition Award to Alyssa Sandler:

Supervisor Palermo presented Ms. Sandler with a certificate for the work she has done at the dog park and the planning/organizing of the annual dog swim at the John P Burke Pool.

I. Public Input:

Susan Ciriello stated last week she spoke to Supervisor Palermo briefly regarding an issue at the Woodbury Junction development. One of the entrances to the development has a gravel parking lot that was intended for use by the residents to access the walking trail there. A high school student resident has requested permission to use the parking lot to leave their car there during the school day and walk to school from that location. There is a sign posted there with parking restrictions. She is requesting that the Board grant permission for this student to use the lot during school hours. Supervisor Palermo asked who erected the parking sign (no one knew) and he will ask the Buildings/Grounds to remove it. Clerk Potvin suggested the Town Code be reviewed as it lists all Town property that has parking restrictions. Collectively the Board had no issue with the student parking there but Chief Watson noted concerns about regulating it to stop others from parking there without permission. Councilwoman Hernandez recommended tabling the issue so research could be conducted. Mrs. Ciriello stated she could ask the HOA to see if they erected the sign but she is not sure if she will receive an answer. Councilman Hunter noted he believes the sign was installed several years ago to permit all residents of Woodbury access to Cromwell Pond and the walking trail. Supervisor Palermo stated this issue will be discussed at the next worksession. Councilman Essig asked who maintains the parking lot and Supervisor Palermo stated he does not believe it is maintained. Maria Hunter stated the Planning Board resolution for the development may address the parking lot issue. She also suggested the Board check with the School District about their requirements regarding students walking to school. She is also concerned about a precedent being set.

Fred Ungerer stated he believes there has been misinformation regarding the prospective pool improvements. He then provided a reverse chronological order of events he has experienced regarding the pool redesign. At the last Board meeting he noted he had conducted some research on the Internet regarding the responsibility of Commissioners and he provided that information to Attorney McKay, to which he recalls Attorney McKay "rolling his eyes" and "mocking him" because he found it on the Internet. He was told by individuals in power that these laws are still in effect. At the same meeting Councilwoman Hernandez stated she would look into the issue. The reason he gave it to the lawyer was because he was concerned about the immense power the law gave to the parks commissioners, which he does not want. He feels there have been meetings held that he was not told about or told about the day before they were occurring when he was unable to change his schedule. He then referenced an event in August at which four commissioners were present and were told by someone that the Town Board does not want the Commissioners to be involved with these renovations. When he heard this his first thought was "that's nice" and then he thought about it more and figured it may not be a bad idea based on the "nonsense" that occurred with the expansion of the building at the Reservoir. He recalled that the building was supposed to be much larger than it turned out to be based on the estimated quote by Engineer Fusco. He said the original plans would cost about \$300K and the bids came in over \$600K, which he said was due to prevailing wage, so a much smaller building was constructed. Now the same engineer is involved with the pool expansion and he wonders about the confidence level based on the excuses given with the last project. He concluded by stating he feels the "powers that be" never wanted the Commission involved. Attorney McKay stated he has been the Town Attorney for almost ten years and he interacts with residents all the time. He does not know what Mr. Ungerer thought that he did but he most definitely did not mock him in any way. Mr. Ungerer stated Attorney McKay was on his phone and Attorney McKay stated he was on the phone looking up the answer to the questions he was asking. If the Board permits, he will speak to Mr. Ungerer after the meeting and get him an answer tomorrow.

John Smith stated the departments to be discussed at the budget meetings that are scheduled are not listed on the agenda. Supervisor Palermo stated they are normally done in order (A Fund, then B Fund and so on). He then noted he has been following the progress of the pool renovations since the beginning and he thanked the Board for their efforts.

Chris Graziano thanked Councilwoman Hernandez for her post on Facebook detailing the pool renovations. He believes we can do this project and the community can come together. He suggested community outreach sessions so the public can come together and hear what is being done. He feels letting the public know what is going on will make things go a lot smoother. Councilwoman Hernandez stated the Town of Clarkstown using a robocall type teleconferencing program which enables the Board to hold a conference and residents would be able to call in with comments/questions. She noted the Village had recently adopted a bond resolution and the public had no knowledge of it either. On the Town website you can enroll in the alert program. Supervisor Palermo noted he met recently with a company called Burbio and that will give the public another opportunity to stay informed.

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Hunter, to accept receipt of the minutes of the meeting held September 5, 2019.

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

b. Approval of Abstract:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Essig, to approve Abstract 18 containing vouchers 20191539 - 20191636 (voiding check 21482-21548 due to printer error) and totaling \$222,639.33.

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

c. Budget Modification(s):

Motion was offered by Councilman Essig, seconded by Councilman Hunter, to approve modifications to the 2019 budget of the following funds:

- a) Refuse Fund - increasing SR9060.800 (Health Insurance) by \$3444, SR9060.801 (MVP HRA) by \$3182, SR9061.800 (Dental Insurance) by \$197, SR599 (Appropriated Fund Balance) by \$6823;
- b) General Fund - increasing A9060.800 (Health Insurance) by \$4565, A9060.801 (MVP HRA) by \$4218; A9061.800 (Dental Insurance) by \$260, A599 (Appropriated Fund Balance) by \$9043;
- c) Woodbury Common BID - increasing SMB3120.403 (Policing/Other Agencies) by \$1982 and decreasing SMB3120.100 (Police Personal Services) by \$1982;
- d) Police Fund - increasing B3120.487 (Radar/Stalker ATV) by \$2419 and decreasing B9010.800 (State Retirement) by \$2419;
- e) Senior Center - increasing A7620.414 (Trips) by \$1500 and decreasing A7620.100 (Adult Rec Personal Service) by \$1500;
- f) General Fund - increasing A1650.400 (Central Communications/Cable) by \$3146, A1650.401 (Central Telephone) by \$8718 and decreasing A1930.400 (Judgements and Claims) by \$11,864;
- g) Parks Department - increasing A7110.402 (Electricity) by \$14,000, A599 (Appropriated Fund Balance) by \$14,000

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

III. New Business:

a. Approve Dispatcher MOA:

Motion was offered by Councilman Essig, seconded by Supervisor Palermo, to authorize the Supervisor to initial the September 4, 2019 Final Memorandum of Agreement (MOA) between the Town of Woodbury and the PBA for all full- and part-time dispatchers covering the period of January 1, 2019 through December 31, 2023 (*NOTE - the document was initialed by Supervisor Palermo on September 16, 2019*).

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

b. Appoint Lena Baroutjian as Account Clerk from full time reduced hours up to 35 hours per week at the same current pay rate:

Motion was offered by Councilwoman Hernandez, seconded by Supervisor Palermo, to appoint Lena Baroutjian as Account Clerk from full-time reduced hours up to 35 hours per week at the same current pay rate effective October 1, 2019.

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

c. Approve Bond Resolution for John P. Burke Pool:

Motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to adopt the following bond resolution of the Town of Woodbury, New York, authorizing the construction of a

new town pool, including demolition of the existing pool, stating the estimated maximum cost thereof is \$3,500,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$3,500,000 to finance said appropriation:

Section 1. The Town of Woodbury, in the County of Orange, New York (herein called the “Town”), is hereby authorized to construct a new Town pool, including demolition of the existing pool, and any ancillary or related work in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,500,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$3,500,000, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$3,500,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

- a) The period of probable usefulness applicable to the purpose for which the bonds are authorized to be issued, within the limitations of Section 11.00 a. 61 of the Law, is fifteen (15) years.
- b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.
- c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published in the "Times Herald Record," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF WOODBURY - BOND RESOLUTION NOTICE

PLEASE TAKE NOTICE that on September 19, 2019, the Town Board of the Town of Woodbury, in the County of Orange, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Woodbury, New York, adopted September 19, 2019, authorizing the construction of a new Town pool, including demolition of the existing pool, stating the estimated maximum cost thereof is \$3,500,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$3,500,000 to finance said appropriation,"

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct a new Town pool, including demolition of the existing pool, and any ancillary or related work in connection therewith; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$3,500,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$3,500,000 to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$3,500,000 bonds of the Town pursuant to the Local Finance Law of the State of New York to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$3,500,000 Bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: September 19, 2019

Desiree Potvin, Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

ADOPTED BY ROLL CALL AS FOLLOWS:

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| Supervisor Palermo | AYES |
| Councilman Arone | ABSENT |
| Councilman Essig | AYES |
| Councilwoman Hernandez | AYES |
| Councilman Hunter | AYES |

Supervisor Palermo thanked the Town Board more moving forward on this, noting a super majority vote was required. He noted the 15K people that use the park appreciate it as well.

d. Town Board Budget Work Sessions to take place on the below dates:

Supervisor Palermo announced that budget worksessions will be held on October 7 (A fund), 9 (b funds), 16 (remaining funds) and 21 (fi necessary) each starting at 7PM and will be held in the Town meeting room. The public hearing he hopes will be held on November 7.

IV. Department Reports:

a. Supervisor’s Report:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Essig, to approve the Supervisor's Report for August 2019 with receipts totaling \$190,913.66 and disbursements totaling \$1,511,995.83.

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

- b. Town Clerks Report - August 2019
- c. Building & Grounds - August 2019
- d. ACO Report - August 2019
- e. Police/Communications Report - August 2019
- f. Beautification Committee – no meeting held
- g. Library - August 27, 2019
- h. Parks & Recreation – August 20, 2019
- i. Budget vs. Actual - August 2019

Supervisor Palermo noted that every two weeks after an abstract is approved each department is provided an updated report showing their budget status. This was initiated several months back and it gives a better accounting for all departments to keep within their budgets.

V. Board Meeting Comments:

The Board collectively congratulated the three individuals that were recognized this evening for their accomplishments and volunteerism.

Councilwoman Hernandez encouraged other boy scouts to approach the Town if they are in need of project ideas for their Eagle Scout badges. She thanked the residents online and those that attended the worksession this evening noting she feels it is important for the community to be involved. She thanked the Parks Commission for attending the worksession to discuss the planned renovations to the pool.

Attorney McKay noted he needs to meet with the Board in attorney/client session to discuss an item relating to a tax certiorari.

Chief Watson thanked the Board for finalizing the Dispatchers contract and noted they are a very important part of his department. He also thanked Mrs. Hunter for all the work she did on the Planning Board and continues to do on the Beautification Commissioner.

Clerk Potvin announced details about the upcoming "Trunk or Treat" event sponsored by the Chamber of Commerce.

Supervisor Palermo thanked all that participated in the worksession and noted he has some ideas for Eagle Scout projects.

VI. Adjournment:

With no further comments received or business to discuss, a motion was offered by Councilwoman Hernandez, seconded by Councilman Essig, to adjourn the meeting at 8:20PM.

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

Desiree Potvin, Town Clerk