

Minutes of the Town Board Meeting held on November 7, 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; Lorelei Pitt, Budget Officer; Kevin Phillips, Police Lieutenant; Thomas Burke and John Smith, Parks Commissioner; Angela McKeown, Library Board; Joseph Gianzero, Parks Director; Sara Johnson, Library Director; Sandra Capriglione, Village Planning Board; Andrew Giacomazza, Village Trustee

Pledge of Allegiance Led by Alex Ramos, Junior Deputy Supervisor

I. Public Hearing - Preliminary Budget for FY2020 Budget:

A public hearing was held to entertain public comments on the Preliminary Budget for Fiscal Year 2020. The public notice was printed in the Times Herald Record on October 30, 2019 and showed the salaries of elected officials to be proposed as follows: Supervisor \$55,678; Town Clerk \$67,075; Justices (2) \$32,926 each; Town Council (4) \$10,481 and Tax Collector \$17,272. The following amendments have been made to the preliminary budget after it was received by the Town Clerk on October 24, 2019 (*none of these changes affected the final tax levy*):

<u>Department</u>	<u>Acct Code</u>	<u>Name</u>	<u>Was</u>	<u>Is Now</u>
Library		Fund Balance	\$80,000	\$65,000
	L7410.200	Equipment	\$9000	\$7000
	L7410.428	Children's Programs	\$10,000	\$6000
	L7410.429	Special Programs	\$10,000	\$6000
	L7410.430	Trans/Travel	\$1000	\$500
	L7410.435	Books	\$35,000	\$32,000
	L7410.437	AV Equip/Videos	\$12,500	\$11,000

The following comments were received:

Town Clerk Potvin noted written comments were submitted by Robin Crouse regarding the Library's budget. In summary, she noted the tentative budget showed the tax levy as \$770,232 and the preliminary budget shows it as \$690,232. It is her understanding the substantial reduction is based on a request of the Town Board. She noted the Library Board wants to maintain their current reserve fund for future improvements/projects/programming. The Library Board is permitted (pursuant to Charter and the NYS Board of Regents) to maintain a reserve fund that the Town cannot reduce without Library Board approval. She implored the Board to reinstate the Library Budget as it was submitted for the tentative budget and she feels not doing so is a disservice to the residents.

Sandra Capriglione commented on the following: (1) A1220.100 increased from the tentative budget by \$3000 and she asked why. Budget Officer Pitt stated she recalculated this line-item after the UPSEU contract was finalized and she felt an increase was necessary; (2) at the budget worksession for the A Fund there was a discussion about the various line-items in each department for electricity being combined into one line-item under the Buildings/Grounds Department. She asked which were combine and Budget Officer Pitt stated Animal Control, Senior Center, Buildings/Grounds and Parks Department were all combined into A1620.402. Mrs. Capriglione asked if they are all combined how the Town aware of irregular charges that may occur and Supervisor Palermo stated the bills for each account will still be received separately; (3) A1620.419 was increased and she understands that it is an unknown cost. She asked what happens if the cost is more then what is budgeted and Supervisor Palermo stated an allocation from Fund Balance would be made; (4) the tentative budget in the Library Fund has \$15K from fund balance being used but the preliminary budget has \$80K but now it is \$65K.

She asked how the reduction is not effecting the tax levy and Supervisor Palermo stated the Library Board met today and reduced some expenditures as previously announced; (5) A8510.445 she asked what the funds budgeted are planned for. Clerk Potvin stated it is for signage at the Highland Mills Library that was requested by the Library Board. It will be an electronic sign that will announce upcoming events they plan.

John Smith commended the Board for the work they did on the budget. He feels that every department was fair by submitting a budget with cuts to expenditures that kept the taxes down or lowered.

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

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

Motion was then offered by Councilwoman Hernandez, seconded by Councilman Hunter, to adopt the Fiscal Year 2020 budget (*NOTE - budget is printed at the beginning of the minute book for 2020*).

ADOPTED BY ROLL CALL AS FOLLOWS:

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

II. Public Input:

Sandra Capriglione asked about Voucher 2019-1827 for Fusco Engineering that appears on the Abstract this evening - she asked if the work done was for the new improvements that have been discussed to the John Burke Pool. Supervisor Palermo stated no that it was for the bids that were let, an addendum to the specifications that was made and all the maps that were printed. Mrs. Capriglione stated she thought that was what the pool expert was paid for the Supervisor Palermo stated he does not do the bidding. For Vouchers 2019-1805 she said there was no explanation on the abstract and Supervisor Palermo stated it appears it was cut off the page by the printer so he will look into it and get back to her. Regarding the contract for Hudson Valley Wildlife Nuisance Control, she noted this is a different vendor and asked why to which Supervisor Palermo stated this vendor is less expensive. Mrs. Capriglione stated the permit states the beavers can be killed and Supervisor Palermo stated the permit is issued by the DEC so that is what they are permitting. He added that State law does not permit a nuisance animal to be transported to another location, adding questions relating to this issue should be asked to the DEC. Mrs. Capriglione asked where the beaver removal location was and Supervisor Palermo stated he is unsure of the exact location along Park Avenue but he knows there are several dams there. In the past the dams caused serious flooding to occur at the lower level of the Police Station. Mrs. Capriglione asked if the traps are dangerous will there be any kind of public awareness notice for safety provided and Supervisor Palermo stated he thought that was a good idea and he will notify the trapper to do so. Mrs. Capriglione then asked if the quote has a contractual amount in addition to a "per beaver" price and Supervisor Palermo stated there is not. In addition, the Buildings/Grounds Department will remove the dam once all the beavers are removed.

Library Board member Angela McKeown-Cooper stated she believes it has become apparent that there are widespread misconceptions about the Library budget and its oversight/operations. She noted the Library must abide under the rules of the NYS Regents (and other agencies) and then quoted sections of law that dictate the powers of the Library Board. She explained the Library fund balance is

funded by the balance left at the end of the fiscal year and can be accumulated over time to use for projects, programs, building improvements, to meet mandates and to complete the 2020 project that must be implemented by the end of 2020 or fines will be imposed. She noted the Library Board has been working on this implementation for the past five years, which included the improvements to the Central Valley library done last year. This year the Library was initially asked to contribute \$15K from its fund balance to help keep taxes under the tax cap, then during budget discussion Library Director Johnson was told the amount would need to be \$80K or the planned expenses of the library would need to be drastically reduced. After consideration the Library Board declined to allocate the \$80K. The reduction to the fund balance would be devastating and affect the programming that was planned for children and adults. She noted the NYS Charter is very clear on what fund balance can be used for. She then urged the public to continue visiting the library. Supervisor Palermo stated the Library Board has not submitted anything to the Town Board relating to expenditures or plans relating to the implementation of the 2020 mandates and Mrs. Cooper stated she was not aware that it was required to do so but Director Johnson should be able to answer any questions regarding it. Supervisor Palermo then stated funds cannot be kept in fund balance as a savings account to be used however the Library Board wishes noting that doing so circumvents the tax cap requirement. He added that when a budget is submitted each expense needs to be allocated that is anticipated. Also, RCLS states a Library is permitted to have six months (or 50%) of its total operating budget in fund balance which would be approximately \$350K but there is currently \$460K and it is estimated by the end of 2019 an additional \$80K will be added based on what should be left over this year. He stressed the Library Board needs to be responsible to the taxpayer and there is a large amount in the fund balance then what is suggested. He feels the Library Boards decision to cut programs instead of using the fund balance to meet the Town Boards tax levy amount is irresponsible. The grief he has received from the Library Board and its President Dorothy Morris is wrong, adding the money is just sitting in fund balance without a detailed plan of use. The Town Board is not permitted to touch the library's budget or fund balance without approval of the Library Board but it can set the tax levy amount (which he feels was reasonable) and that requires the Library Board to budget accordingly. He then noted the other department funds used fund balance to reduce the budget without reducing services and he feels the library should have done so as well. He is very disappointed they decided to cut services instead just to keep money in the fund balance. Mrs. Cooper then noted the public is being given misinformation and added Supervisor Palermo, as Liaison to the library, has pledged support on numerous occasions but then accuses the Library Board of "sandbagging money" and "robbing the taxpayers". She stressed when the fund balance is depleted then it will be gone and Supervisor Palermo stated it is nowhere near depletion. He added that if the library cannot operate with 50% of their operating budget in fund balance then he feels there is something wrong with the operations. Mrs. Cooper stated Supervisor Palermo never came to the Library Board to ask what the money is being saved for and she resents him for demonizing the Library Board members. Supervisor Palermo stated he has spoken to Director Johnson on many occasions about this issue and told her the Library Board needs to explain what the money is planned for and that it needs to be shown in the budget as an expense. He then noted no members of the Library Board attended the budget sessions. He also noted in recent years MWCS D was fined by the State Comptroller for having more in their fund balance than what is permitted under State law. He feels the library budget is out of control and if the 2020 mandate has been worked on for the past five years then there should be some type of budget plan that exists so expenses are known. Mrs. Cooper then invited Supervisor Palermo to attend a Library Board meeting to discuss the issue and he stated he would attend but stressed the Town Board's responsibility for the budget is to the taxpayer and not the Library Board. Mrs. Cooper stated the Library Board has a very different interpretation and view than the Town Board and feels the Library Board members should not be presented as outcasts or accused of robbing the taxpayers. She refuses to be assaulted to which Supervisor Palermo apologized and Mrs. Cooper

accepted. Councilman Hunter stated with reserve funds there should be an annual review and a report generated to show transparency. Clerk Potvin stated that is correct but the money being discussed is not a reserve, it is a fund balance. Supervisor Palermo stated the library does not have a reserve fund. Councilwoman Hernandez noted in 2018 she commended the Library Board for how fragile they were handling their finances. She wanted to acknowledge the part of the Library Boards desire to be conservative with spending and feels the Town Board does not perceive them as being irresponsible. The Town Board is in a difficult position and needs to answer to the taxpayers while also maintaining services that are being provided. She feels the work the Library Board does is appreciated by the Town Board and she thanked them for not being excessive in what they do.

III. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilman Hunter, seconded by Councilman Essig, to accept receipt of the minutes of the meeting held October 17, 2019.

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

b. Approval of Abstract:

Motion was offered by Supervisor Palermo, seconded by Councilman Essig, to approve Abstract 21 containing vouchers 20191800 - 20191909 and totaling \$481,324.31.

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

c. Budget Modification:

Motion was offered by Councilman Hunter, seconded by Councilwoman Hernandez, to approve modifications for the 2019 budget as follows:

- Parks Department - increasing A2409 (Community Center Activities) by \$1480 and increasing A7110.429 (Special Programs) by \$1480;
- General Fund - increasing A9060.801 (HRA MVP) by \$19,845 and decreasing A9060.800 (Health Insurance) by \$19,845;
- Police Department - increasing B9060.801 (HRA/MVP) by \$7950 and decreasing B9060.800 (Health Insurance) by \$7950;
- Refuse Department - increasing SR599 (Appropriated Fund Balance) by \$1156, SR9060.801 (HRA/MVP) by \$4600 and decreasing SR9060.800 (Health Insurance) by \$3444;
- Animal Control - increasing A3510.469 (Food Supplies) by \$520 and decreasing A3510.480 (Vaccinations) by \$520;
- Parks Department - increasing A7110.103 (Park Attendants) by \$4000 and decreasing A7110.100 (Parks Personal Service) by \$4000;
- Police Department - increasing B3120.422 (Dry Cleaning) by \$1450, B3120.440 (Tasers) by \$10,000, B2212 (MW Reimbursement PT SROs) by \$11,450.

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

IV. New Business:

a. Appointment of Full-Time Real Property Data Collector at Reduced Hours - Susan Specthrie:

Motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to appoint Susan Specthrie to the position of full-time Real Property Data Collector with reduced hours (up to 35 hours per week) at the same current rate of pay effective November 11, 2019.

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

b. Promotion of Library Clerk from Temporary to Part-Time - Anne Mary Camp:

Motion was offered by Councilman Essig, seconded by Councilwoman Hernandez, to change the appointment of Anne Mary Camp from temporary Library Clerk to part-time Library Clerk (up to 19 hours per week) at a new hourly rate of pay of \$17.46 per hour effective November 11, 2019.

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

c. Acceptance of Resignation of BOAR Secretary - Gale Naugle:

Motion was offered by Councilman Essig, seconded by Councilwoman Hernandez, to accept, with regrets, the resignation of Gale Naugle from the position of Board of Assessment Review Secretary effective October 24, 2019.

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

d. Authorize Supervisor to Sign IMA - Tactical Team with City of Newburgh:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Essig, to authorize the Supervisor to sign an inter-municipal agreement with the City of Newburgh for Police Department Tactical Team cooperation.

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

e. Schedule Public Hearing - ILL2 of 2019 - Repeal of LL1 of 2019 (Tax Cap Override):

Supervisor Palermo noted the budget as adopted is under the tax cap by \$524,630. He thanked the Board and Budget Officer Pitt for all the work that was done on this year's budget. Motion was offered by Councilwoman Hernandez, seconded by Councilman Essig, to adopt the following resolution setting a time and place for a public hearing to be held to entertain public comments on the adoption of Introductory Local Law 2 of 2019 entitled "Repealing of Local Law 1 of 2019" which will repeal the tax cap override law previously adopted on October 3, 2019:

WHEREAS, the Town Board wishes to set a time and place for a public hearing to consider Introductory Local Law 2 of 2019 entitled "Repealing of Local Law 1 of 2019"; and

WHEREAS, 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

WHEREAS, the Town Board hereby preliminary classifies the action as an unlisted action under SEQRA;

NOW, THEREFORE, LET IT BE HEREBY

RESOLVED, that a public hearing shall be held by the Town Board in order to receive comments and suggestions regarding the proposed local law and to review any potential adverse environmental impacts of the proposed local law, on November 21, 2019 at 7:30PM at the Town Meeting Room located at 615 Route 32, Lower Level, Highland Mills, New York; and it is further

RESOLVED, that the office of the Town Clerk is authorized and directed to cause public notice of said hearing to be given as provided by law.

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

f. Acceptance of Proposal - Hudson Valley Wildlife Nuisance Control - Beaver Removal:

Motion was offered by Supervisor Palermo, seconded by Councilman Hunter, to approve the proposal from and authorize a letter to proceed to be issued to Hudson Valley Wildlife Nuisance Control to set several traps to capture and remove nuisance beaver from properties. The traps will be set for the remainder of the DEC permit #12817 that was issued to the Town in July 15, 2019 and expires December 31, 2019. The traps will be checked daily per the DEC protocol and the fee will be \$350 per beaver removed.

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

Councilman Essig asked if there were alternatives to lethal force that could be considered. Attorney McKay stated the trapper could be asked but it would be up to the regulations imposed by the DEC.

g. Authorize Supervisor to Sign - 2019 GASB Agreement with CBIZ Valuation Group:

Motion was offered by Supervisor Palermo, seconded by Councilman Hunter, to authorize the Supervisor to sign an agreement with CBIZ Valuation Group for them to prepare the GASB-34 report for 2019 for a cost of \$1650.

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

EXTRA ITEM - Notice of Bid Cancelation - Improvements to John P Burke Pool:

Supervisor Palermo noted the bid that were authorized at the September 5, 2019 Town Board meeting for improvements to be done at the John P Burke Pool was canceled since the bond resolution was repealed.

EXTRA ITEM - Special Counsel for Workers Compensation Purposes:

Motion was offered by Supervisor Palermo, seconded by Councilman Hunter, to authorize the Supervisor to sign a contract with a special counsel relating to Workers Compensation cases, based upon the recommendation of the Town Attorney.

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

Attorney McKay stated he planned on speaking about this issue with the Board in attorney/client session. Recently the Town had an adverse ruling against it at a Workers Compensation Board hearing. A representative from the insurance carrier did not show so a default was ruled. He has been reaching out to the representative for about a week now and is concerned since he has not received any responses. He noted there is a time period to submit an appeal so his firm has been looking for an attorney that specializes in these matters and will then make a recommendation to the Town so its interests are protected. Supervisor Palermo asked Attorney McKay to contact the Workers Compensation Board to start the appeal prior to the timeframe expiring. Attorney McKay stated he can file the appeal but he is not confident with the process itself which is why is recommending an attorney that specializes in this area be hired. Councilwoman Hernandez asked Attorney McKay how successful did he think the appeal would be, adding the Workers Compensation Board tends to side with the employee on most issues. Attorney McKay stated he shares those concerns but cannot say until the special counsel is secured and consulted. He added the second part of this issue is to determine if the carrier was in breach of contract or negligent in their responsibility to the Town and its interests.

V. Board Meeting Comments:

Councilwoman Hernandez congratulated the newly elected officials for both the Town and the Village, adding she is looking forward to productive discussions about the Town. Regarding the improvements to the pool, she has been in communication with the Parks Commission and they have received an updated response from the pool engineer addressing the concerns they had. She is still waiting for a date from the Commissioners to hold a joint meeting with the Town Board for a final discussion on the issue prior to scheduling the next public information session. After that the public will be presented with four options with cost estimates for each to decide upon at a public vote. Clerk Potvin noted there will be a Presidential Primary election at the end of April 2020 and suggested the Board see if propositions are permitted on primary election ballots to try to save money instead of holding its own election on the issue.

Councilman Essig also congratulated those that were successful in their election bids and he also thanked those that ran for election that were not successful. He hopes that more people take the chance and run for office showing an interest in the community and government. He wishes that more people paid attention and saw how hard both the Town and Village Boards work. He also hopes that more people attend meetings to learn what is going on. He then thanked the Department Heads for all the work they did on their budgets and he wishes the public could see that as well.

Budget Officer Pitt stated she appreciated the time and effort of all the Department Heads and noted this is a wonderful group of people to work with.

Councilman Hunter also thanked all that ran for election and thanked those that ran to give people a choice. He noted that it is not easy to run for an election and he appreciates their efforts. He also thanked Mrs. Naugle for the years of service she dedicated to the community.

Lieutenant Phillips thanked Councilman Arone and Councilman Essig for all the work they did while serving on the Town Board and the work they have done with the Police Department during that time. He congratulated all that were elected and looks forward to working with the newly elected officials. He then announced members of the Police Department will be participating in "No Shave November" to raise funds for a local family that is either experiencing a cancer related illness or has recently experienced a loss due to cancer. The PBA decides which family the donation is made to in time for the holidays in the hopes that it can make them a little better.

Maria Hunter stated the Beautification Commission will be decorating soon for the upcoming holiday season.

Supervisor Palermo congratulated the Mayor-elect, adding they have spoken and will be meeting soon to discuss the issues that exist between the two municipalities. He is looking forward to achieving a lot of things over the next few years. He also congratulated the two newly elected Trustees and the newly elected Councilpersons (one positions is still to be determined). He is looking forward to serving the community again over the next two years.

VI. Adjournment:

With no further business to discuss, a motion was offered by Councilwoman Hernandez, seconded by Councilman Essig, to adjourn the meeting at 8:45PM.

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

Desiree Potvin, Town Clerk