

Minutes of the Town Board Meeting held on December 5, 2019 at 7:30PM

Present: Frank Palermo, Supervisor  
Timothy Arone, Michael Essig, Jacqueline Hernandez and Robert Hunter, Council

Absent: None

Also Present: Joseph McKay, Attorney for Town; Chris Caruso, Police Sergeant; Thomas Burke, Councilman-Elect and Park Commissioner; Tyler Etzel, Councilman-Elect; Joseph Gianzero, Parks Director; Denice DaCunha, Willa Freiband, Mary Porcu and Fred Ungerer, Park Commissioners; Andrew Giacomazza and Jesus Gomez, Village Trustees; Christopher Graziano, Village Trustee-Elect; Sandra Capriglione, Village Planning Board; Karen Ungerer, Village Zoning Board

### **Pledge of Allegiance Led by Ava Sethna; Junior Deputy Supervisor**

#### **I. Public Hearing:**

a. Introductory Local Law 3 of 2019 – Repeal/Replace Chapter 54 entitled “Park and Recreation Commission”:

A public hearing was held to entertain public comments on the adoption of Introductory Local Law 3 of 2019 which will repeal Chapter 54 of the Code of the Town of Woodbury entitled “Park and Recreation Commission” and replace it with a new Chapter 54 entitled “Park and Recreation Committee”. The public notice was printed in the Times Herald Record on November 26, 2019 and the following comments were received:

Supervisor Palermo stated in the 2020 budget the Town Board allocated funds to start updating the Town Code. At a previous meeting the Board was asked to explain Chapter 54 and while reviewing it was realized that the Commission had not been operating in compliance with the current law. The Board then decided it would be more appropriate to change this entity to a “Committee”, adding that Commissions are usually found in cities, not small towns. He noted that comments made during the hearing should be limited to whether the speaker is for or against the law, not about specific commissioners.

Commissioner Freiband stated she has served on the Commission for several years working with very devoted people. They work without political interests and oversee programs that are offered as well as making sure the facilities are safe. They review the vouchers and while conducting site visits at each facility create punch/wish lists for what needs to be done. She is hopefully the lists they have created are considered by whomever will be serving on the Committee.

Sandra Capriglione asked why the number of seats is being reduced from seven to five and Supervisor Palermo stated the Board decided that is what it wanted. She asked why the Board does not just shift five of the existing members from the Commission onto the Committee and Supervisor Palermo stated he never said that was not what was going to occur. Mrs. Capriglione stated it has been said that one reason this law is being considered is because the Board intends to review and update the entire Town Code. When Ralph Caruso was Supervisor she asked that this be done and at that time she was told it would cost about \$20K. She noted there are other Chapters/Articles in the Town Code that reference the Parks Commission but those sections are not addressed in this proposed law. Supervisor Palermo stated the plan is to review each law individually and Mrs. Capriglione stated she feels it was arbitrary to start with this one. Supervisor Palermo stated they are doing so because it was brought up by the Commission Chairman at a previous meeting. Mrs. Capriglione stated the Commission works perfectly fine with no problems and Supervisor Palermo stated there is no concerns with the individuals that serve, just the name of the entity. Mrs. Capriglione asked when the Board feels the Commissioners

stopped acting like a Commission and Supervisor Palermo stated since a full-time Director had been hired. Mrs. Capriglione noted some duties may have changed but she does not understand why the Board did not meet with the Commission first to discuss their concerns. Supervisor Palermo stated this change in name is simply to correct what does not pertain anymore. Mrs. Capriglione asked if Supervisor Palermo ever met with Mrs. Stainton and Supervisor Palermo stated he never did. Mrs. Capriglione noted she was a friend of Mrs. Stainton and has been researching the history of the properties (Riders Pond – now the John Burke Pool – and Earl Reservoir), which she feels it is a shame that the Board members do not even know. When the Stainton family donated the properties to the Town they made their intentions very clear that the oversight of the land should not be political, which is why Mr. Stainton had women appointed to serve on the Commission at that time since women were not considered to be political. They were resolute that the control of the parks never be under the control of the Town Board or any other entity that would use the property for political gain. She feels Mrs. Stainton would not have stood for this and would have been heartbroken. She asked the Board to take a step back and respect the wishes of the family that donated the property.

John Kelemen stated he had the privilege to serve on the Commission in the past and was Chairperson as well. He feels this proposed law is a bad idea and he feels the Commission has functioned perfectly for decades and it should remain separate from the government body. He feels members of the Commission are given the responsibility to oversee what he considers to be the “gem” of our community and there is no sense to change anything that has been working.

Karen Ungerer stated the current Commission has no funds and no budget but the money they spend comes from the Parks Department. The proposed “committee” specifies a Secretary/Treasurer be designated and that they cannot hold funds outside the Towns control. If that is the case why would a Treasurer be needed. Supervisor Palermo stated as a “committee” they will have oversight like what is done by the Beautification Committee. Maria Hunter explained the Beautification Committee picks from its membership the person that will be the one to serve and they report to the group at each monthly meeting the status of the budget. Mrs. Ungerer then suggested a minimum attendance requirement be added to the law and Councilman Arone agreed that was a good idea.

Commissioner DaCunha stated she has been a Commissioner for almost 20 years and gave her experience as a volunteer and in her professional life. She noted the Commission was never consulted about this law change. As a Commissioner she has participated in many interviews and believes they do work as a Commission. She listed several projects that she and the Commission have been responsible for doing or implementing and the many duties of the Commissioners as well. Regarding the improvements of the Pool, the Commissioners were not made aware of the plans until the same night that it was presented to the public. The consultant hired by the Board answered many of the Commissioners questions and also responded in writing. She feels if the Commission was involved since the beginning a plan would have been put forth that the public would have been satisfied with. She stressed the Commission was never against the improvements to the pool, just the process and the plan that was put forth. Regarding the law, Commissioner Ungerer requested an interpretation of the law as currently written and one was never provided. She asked why the Commission was never informed of this proposed change to the law and why a meeting was not held with them to discuss it. Supervisor Palermo stated the Board members were discussing the law one day and they decided the title “committee” was what should be used. He asked Commissioner DaCunha if what she does as a Commissioner she would be able to do as a Committee person and Commissioner DaCunha stated she probably could but she is not present this evening to be interviewed and that she was appointed as a Commissioner. She then asked why the seven current members are not being transferred to serve on the new Committee and Supervisor Palermo stated that is not true. He then noted that one of the Board members stated it would be a good idea to reduce the number from seven to five and the rest of

the Board agreed that it should be done. Commissioner DaCunha asked if Attorney McKay could explain what Section 6 of the proposed law meant and he stated it is a standard clause that appears in all local laws when they are adopted. It means that if a judge rules that a section of the law is invalid it does not invalidate the entire law. Commissioner DaCunha asked how the transition will be handled and she listed several outstanding items/issues the Commission is currently working on. Supervisor Palermo stated the five-person committee will be appointed and they will continue the work. Commissioner DaCunha asked what other laws the Board is considering to be changed and Supervisor Palermo stated there will be a committee formed consisting of two Board members, the Town Clerk and Attorney McKay. There are many laws the Town has that are invalid since the creation of the Village that need to be repealed. Commissioner DaCunha stated she is proud of the efforts of the current commission and she wished whoever is appointed to the committee the best.

Commissioner Ungerer stated he has served for 18 years and things have gone smoothly until recently; the Commissioners were always made to feel valued and their opinions were always taken into consideration. This year the Commissioners were told they were not to be involved with the pool improvements – although this statement was denied by Supervisor Palermo and Director Gianzero, four Commissioners attest it to be true. The Commission determined that what they have been doing differs from the law and in August he requested clarification because the thought was that it gave the Commission a lot of responsibility that he was unsure they wanted. After that meeting, several meetings were held but no clarification was provided. He was told by Attorney McKay that he forgot what was being requested so he reminded him. He was promised a response the next day but one was never given. Prior to the last Board meeting he was called into the Supervisor's office and was verbally assaulted. The Commissioners have been blamed for the delay with the pool and the problems at the Community Center. Supervisor Palermo stated he did not blame the Commissioners, he blamed Commissioner Ungerer. Commissioner Ungerer stated Supervisor Palermo also blamed his political opponents for sending individuals to the meetings to give him a hard time and stated he wanted nothing to do with the Commissioners. Supervisor Palermo stated he did not say that, he said he wanted nothing to do with Commissioner Ungerer and his wife. Regarding this proposed law, Commissioner Ungerer stated he became aware of it the same time as the public did. He feels common courtesy would have dictated that the Commission should have been consulted. He acknowledged it is within the Board's right to replace/revise laws but he takes issue with the way it is being done to a group of people that have given their time to the community.

Commissioner Porcu stated she serves on various organizations in the community and demonstrated her love of Woodbury. She feels the Commission has worked hard with the residents and the progress of the parks is their main concern. She is disappointed the Board is dismissing the Commissioners and she does not understand the need to change the law, adding this is the first time she will be fired for a volunteer position. She then listed her duties and what she has done while serving as Commissioner. She feels all of the Commissioners are wonderful and generous, none are frauds or hypocrites. She is proud of her volunteer work and feels the decision to terminate the Commission is misguided, wrong and should be re-evaluated or a better reason for this decision should be given. Supervisor Palermo stated he does not understand why all the Commissioners feel they are being fired and the only reason this would happen is if they do not submit a letter of interest.

Maria Hunter stated she has been a volunteer in Woodbury since the early 1980s and she feels comparing this local law to the one done for the Beautification Committee is not correct. The Beautification – then Commission – requested the change in law due to quorum issues – at the time there were fifteen members. Then Supervisor Caruso suggested the then Commission draft a law for consideration and that is what exists today for the now Committee. She noted the Beautification Committee does physical labor and bodies are needed to do so. She listed some of the work the

Beautification Committee members have done and added there are now no quorum issues. When the law was adopted the then Commission members met and decided who would be suggested to be selected to serve on those seven seats. She does not feel this law is firing anyone even though the members are being reduced from seven to five. She then noted that changing this chapter of the Town Code will also affect Chapter 3 and 230 which references it so those should be adjusted accordingly. She also feels the cover page of the Town Code needs to be updated as well. She stressed the community needs to bring the town and village together and the Board is doing what it thinks is best while individuals are in the public tearing the community apart.

Karen Ungerer stated a request was made in August for the law to be clarified but no clarification was ever provided and then the Supervisor berates the Chairman. At the last meeting it was stated this proposed law was a Town Board decision. When she served on the Beautification it was stated that a Commission cannot spend money so the name had to be changed to a Committee and she agreed they were involved in the entire process, unlike now. She feels that if a clarification was never requested then this law would never have been an issue and that the Commissioners know better what they do better than the Board. She is curious as to why the Liaison to the Parks Department (Councilwoman Hernandez) did not mention this law at the last Commission meeting, adding if she didn't know about it than that is an issue as well. She then stated Supervisor Palermo had made it clear that he has no respect for the members of the Commission and the silence from the other Board members this evening is clear.

Trustee Gomez stated the Board said they just want to change the name and that the same people currently serving can apply. If the membership is being reduced from seven to five then someone is getting fired. He feels that is why people are upset and it appears wrong. Supervisor Palermo stated one individual has resigned from the Commission so there are currently six members. He does not want to get into an argument but it was the Boards decision to reduce the members to five and he never indicated that the current members would not be appointed to the Committee.

Trustee-Elect Graziano thanked all the Commissioners that spoke this evening and for the work they have done. He does not agree with the process followed by the Board and noted change for the sake of change is always wrong. He is not for or against the law but feels it should not be a political issue. He feels there should be a change management plan in place and how the transition is handled is important. He feels if everyone works together communication is necessary.

Commissioner Freiband stated she cannot evaluate the law as it is beyond her level of expertise. She suggested that if the changes are approved there should be a transitional period. She feels that members are hurt and may not want to apply because of that hurt.

Councilman Hunter stated the comments received this evening are very enlightening and he appreciates all of them. He did not realize the proposed law would be so emotional and he suggested the issue be tabled until January when the new Board is in place. This will also give time for the Board members to reflect on the comments received and perhaps come up with some better ideas. He agreed the process was not done right and it is obvious.

Councilman Arone stated based on the comments received he agreed some things in the proposed law should be reviewed and that some of the suggestions made should be considered. He is personally in favor of a committee over a commission but agrees that there are a lot of things that still need to be digested by the Board.

With no further comments received, a motion was offered by Councilman Arone, seconded by Supervisor Palermo, to close the public hearing.

**ADOPTED**      AYES    3            Palermo, Arone, Hunter  
                     NOES    0

Supervisor Palermo agreed tabling the vote at this time is a good idea since a full Board is not present, although he does not feel that it needs to be tabled until next year.

## II. Public Input:

Maria Hunter stated the Beautification Committee met this evening and she noted the signage that has been planned for various locations in Town. She then noted the NYSDOT erected a temporary sign at Buena Vista and they will be removing it shortly.

## III. Administrative Business:

### a. Acceptance of Minutes:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to accept receipt of the minutes from the meeting held November 21, 2019.

**ADOPTED**      AYES    3            Palermo, Arone, Hunter  
                     NOES    0

### b. Approval of Abstract:

Motion was offered by Supervisor Palermo, seconded by Councilman Arone, to approve Revised Abstract 22 by deleting Voucher 20191965 (check #21879) in the amount of \$4359.00. This reduces the total of the Abstract to be \$1,083,274.01.

**ADOPTED**      AYES    3            Palermo, Arone, Hunter  
                     NOES    0

Motion was then offered by Councilman Arone, seconded by Councilman Hunter, to approve Abstract 23 containing Vouchers 20191986 – 20192048 and totaling \$242,737.57.

**ADOPTED**      AYES    3            Palermo, Arone, Hunter  
                     NOES    0

### c. Budget Modification(s):

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to approve the following modification to the 2019 budget:

- Police Department – increasing B3120.453 (Vehicle Repairs) by \$6700 and decreasing B9015.800 (Retirement/Police) by \$6700;
- Police Department – increasing B2212 (MW Reimbursement for PT SRO's) by \$76,000, B3120.100 (Police Personal Services) by \$101,000 and decreasing B3120.101 (Compensated Absences) by \$25,000;
- Town Clerks Office – increasing A1410.430 (Transportation/Travel) by \$301 and decreasing A1410.401 (Telephone) by \$231, A1410.461 (Records Management) by \$70;
- General Fund/Refuse – increasing A9060.800 (Dental) by \$440, SR9061.800 (Dental) by \$0.11 and decreasing A9060.800 (Health Insurance) by \$440, SR1980.400 (MTA Payroll Tax) by \$0.11

**ADOPTED**      AYES    3            Palermo, Arone, Hunter  
                     NOES    0

## IV. New Business:

### a. Acceptance of Resignation - Parks Commissioner:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to accept, with regrets, the resignation of Thomas Burke from the position of Park and Recreation Commissioner effective December 31, 2019.

**ADOPTED**      AYES    3            Palermo, Arone, Hunter

NOES 0

b. Workers Compensation Contract Renewal – PERMA:

Motion was offered by Supervisor Palermo, seconded by Councilman Hunter, to accept and authorize the Supervisor to sign a contract with PERMA for Workers Compensation coverage from January 1, 2020 – January 1, 2022 at an estimated cost of \$89,869 for the first year and, based on loss ratio, the cost of \$72,478 - \$88,628 for the second year. They estimate the NYS Workers Compensation Assessment for the second year to be about \$12,917.

**ADOPTED** AYES 3 Palermo, Arone, Hunter  
NOES 0

Councilman Arone noted a quote was received from Comp Alliance and theirs was higher (about \$120K).

c. Approve Non-Union Town Holiday Schedule:

Motion was offered by Supervisor Palermo, seconded by Councilman Arone, to adopt the following 2020 Holiday Schedule for non-union employees: January 1 and 20, February 17, May 25, July 3, September 7, October 12, November 11, 26 and 27, December 25, a floating holiday and birthday.

**ADOPTED** AYES 3 Palermo, Arone, Hunter  
NOES 0

d. Increasing Working Hours – Senior Citizen Activity Leader:

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to provisionally increase the working hours of Senior Center Activity Leader Christine Kirk to 29 hours per week at the same, current rate of pay.

**ADOPTED** AYES 3 Palermo, Arone, Hunter  
NOES 0

e. Appoint of Part-Time Dispatchers:

Motion was then offered by Councilman Arone, seconded by Councilman Hunter, to appoint Anthony Donato to the position of part-time Dispatcher effective December 9, 2019 at an hourly rate of \$22.7154.

**ADOPTED** AYES 3 Palermo, Arone, Hunter  
NOES 0

Motion was offered by Councilman Arone, seconded by Councilman Hunter, to appoint Ingrid Barbosa-Limon to the position of part-time Dispatcher effective December 9, 2019 at an hourly rate of \$22.7154.

**ADOPTED** AYES 3 Palermo, Arone, Hunter  
NOES 0

EXTRA ITEM – Schedule Worksession:

Councilman Arone suggested that a worksession be held so the Board can discuss the comments that were received this evening during the public hearing for the local law proposed this evening. Motion was offered by Supervisor Palermo, seconded by Councilman Arone, to schedule a worksession to be held at 6:30PM on December 19, 2019.

**ADOPTED** AYES 3 Palermo, Arone, Hunter  
NOES 0

**V. Board Meeting Comments:**

Supervisor Palermo welcomed the Village Board members that attended this evening.

**VI. Adjournment:**

With no further comments received or business to discuss, a motion was offered by Councilman Arone, seconded by Councilman Hunter, to adjourn the meeting at 9PM.

**ADOPTED**      AYES    3            Palermo, Arone, Hunter  
                     NOES    0

Desiree Potvin, Town Clerk