Minutes of the Town Board Meeting held on December 19, 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 the Town; Tyler Etzel, Councilman-Elect; John Smith, Parks Commissioner

6:30PM Worksession – Board Discussion/Review of the ILL3 of 2019 Public Hearing Minutes

I. Public Input:

Maria Hunter thanked Councilman Arone for his eight years of service to the Town and Councilman Essig for his 4 years of service to the Town.

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 meeting held December 5, 2019.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
NOES 0

b. Approval of Abstract:

Motion was offered by Councilman Arone, seconded by Councilman Essig, to approve Revised Abstract 20 by voiding Voucher 20191736 (check #21707) which reduces the total of the abstract to be $213,776.97.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
NOES 0

Motion was then offered by Councilwoman Hernandez, seconded by Councilman Hunter, to approve Abstract 24 containing vouchers 20192049 – 20192164 (voiding check 22011) and totaling $229,246.20.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
NOES 0

Motion was then offered by Councilman Essig, seconded by Councilwoman Hernandez, to approve Abstract 25 containing voucher 20192165 and totaling $4873.99.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
NOES 0

c. Budget Modification(s):

Motion was offered by Supervisor Palermo, seconded by Councilman Hunter, to approve modifications to the 2019 budget as follows:

- Animal Control – increasing A3510.431 (Vet Fees) by $1369 and decreasing A3510.411 (Office Supplies) by $500, A3510.419 (Computer Software) by $419, A3510.444 (Schools/Dues) by $450;
- Woodbury Common BID – increasing SMB3120.403 (Policing-Other Agencies) by $2037 and decreasing SMB3120.100 (Police Personal Services) by $2037;
- Woodbury Common BID – increasing SMB9030.800 (FICA) by $9635, SMB1980.400 (MTA Payroll Tax) by $56, SMB3120.200 (Equipment) by $703 and decreasing SMB9010.800 (Retirement) by $545, SMB9015.800 (Police Retirement) by $8443;

- General Fund – increasing A1220.100 (Supervisor Personal Service) by $33,000, A1620.100 (Buildings/Grounds Personal Service) by $49,482, A1620.101 (Buildings/Grounds Compensated Absences) by $2000 and decreasing A1620.462 (Repairs & Materials) by $15,000. A1620.474 (Parks Repairs Only) by $2600, A1620.200 (Equipment) by $4000, A9050.800 (Unemployment) by $18,000, A9060.800 (Health Insurance) by $44,882.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
NOES 0

III. New Business:

a. Promote Kamren Bauer as ACO Full Time:

Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to promote Kamren Bauer to the position of full-time Animal Control Officer, at reduced hours (up to 35 per week) and at the same current rate of pay, effective January 1, 2020.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
NOES 0

b. Promote Susan Anderson Police Records Clerk Full Time:

Motion was offered by Councilman Essig, seconded by Councilwoman Hernandez, to promote Susan Anderson to the position of full-time Police Records Clerk, at reduced hours (up to 35 per week) and at the same current rate of pay, effective January 1, 2020.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
NOES 0

c. Appoint Kathleen Arroyo as Part-Time SRO:

Motion was offered by Councilman Arone, seconded by Councilman Essig, to appoint Kathleen Arroyo as part-time SRO effective January 6, 2020 at the 2020 PBA hourly rate of $32.4615.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
NOES 0

d. Authorize Town Supervisor to sign MOU - Friendly Visitor Program:

Motion was offered by Councilman Essig, seconded by Councilwoman Hernandez, to authorize the Supervisor to sign the Memorandum of Understanding with Jewish Family Services for support of the Friendly Visitor Program in 2020 at a cost of $5000.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
NOES 0

e. Authorize Town Supervisor to sign IMA Dial a Bus with Town of Monroe:

Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to authorize the Supervisor to sign the Intermunicipal Agreement with the Town of Monroe for Dial-A-Bus services/support for 2020. Monroe will provide this service to Woodbury at a cost of $5150.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
NOES 0

f. Authorize Town Supervisor to sign IMA for ACO contract with Town of Monroe:

Motion was offered by Councilman Essig, seconded by Supervisor Palermo, to authorize the Supervisor to sign the Intermunicipal Agreement with the Town of Monroe for Animal Control Services for 2020. Woodbury will provide this service to Monroe at a cost of $25,500.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter

NOES 0

g. Authorize Town Supervisor to sign renewal of PC Surgeon:

Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to authorize the Supervisor to sign the block purchase form with PC Surgeon for 100 hours at $85/hour for IT services. It was noted that as of the date of the proposal, the Town had 12 hours remaining.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
NOES 0

h. Authorize Town Supervisor to sign Disability Insurance Policy with Shelter Point:

Motion was offered by Councilman Essig, seconded by Supervisor Palermo, to authorize the Supervisor to sign a contract with Shelter Point as the Town's Disability Insurance carrier.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
NOES 0

EXTRA ITEM – Authorize Supervisor to Sign Contract with Environmental Consultant:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Arone, to adopt the following resolution authorizing the Supervisor to execute a contract with environmental consultant Partridge Venture Engineering, PC:

WHEREAS, the Town of Woodbury is a defendant in multiple tax certiorari proceedings with ELT Harriman, LLC ("ELT"); and

WHEREAS, the property owned by ELT is the site of a former chemical manufacturing plant and is currently contaminated by chemicals; and

WHEREAS, in order to defend the Town in the actions, the Town must review alternatives presented to remediate the property; and

WHEREAS, the Town requires the services of an environmental consultant to advise the Town with respect to proper remediation alternatives for the ELT property, including the costs associated with the remediation of the property, and to testify at trial;

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Town Board agrees to authorize the Town Supervisor to sign a retainer agreement with Partridge Venture Engineering, PC ("PVE") to advise the Town with respect to proper remediation alternatives for the ELT property, including the costs associated with the remediation of the property, to testify at trial, and otherwise assist the Town's attorneys in preparing for the trial of the actions, at a cap of $15K

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
NOES 0

Supervisor Palermo asked Attorney McKay if a cap of this expense should be set. Attorney McKay stated the consultant will be working a substantial number of hours on this case but it is something the Board should watch to make sure the invoices and charges are appropriate. Supervisor Palermo stated he would feel more comfortable if there was a cap placed. Motion was offered by Councilman Essig, seconded by Councilwoman Hernandez, to set a cap on this contract at $15,000.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
NOES 0

IV. Old Business:

a. Vote on Introductory Local Law #3:

Attorney McKay noted there has been one change made to the law since the public hearing was held. Regarding the number of members on the Committee, the Board decided to reinstate this back to

a seven-member committee and the terms would stagger. Motion was offered by Supervisor Palermo, seconded by Councilman Arone, to adopt the following resolution:

WHEREAS, a resolution was duly adopted by the Town Board on November 21, 2019, scheduling a public hearing to be held by said Governing Body on December 5, 2019 at 7:30PM, to hear all interested parties on a proposed local law entitled "A Local Law to Repeal Chapter 54 entitled 'Park and Recreation Commission' and replace it with a new Chapter 54 entitled 'Park and Recreation Committee'"; and

WHEREAS, on November 21, 2019, the Town Board designated itself as Lead Agency with respect to the SEQRA review of the foregoing proposed local law, preliminarily classified the proposed action as an Unlisted action under SEQRA, and scheduled a SEQRA public hearing with respect to the action; and

WHEREAS, notice of said public hearing was duly advertised in the Times Herald-Record, the official newspaper of said Town, on November 26, 2019 according to law; and

WHEREAS, said public hearing was duly held on December 5, 2019, at or about 7:30PM at the Town of Woodbury Meeting Room, located at 615 Route 32, Highland Mills, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Town Board has reviewed the proposed local law, the short environmental assessment form prepared in connection therewith, and considered the public comment provided at the aforesaid public hearings, and after due deliberation thereon.

NOW, THEREFORE, BE IT HEREBY

RESOLVED by the Town Board of the Town of Woodbury that:

1) the proposed local law constitutes an Unlisted action pursuant to SEQRA;
2) the proposed local law has no significant adverse environmental impacts and the Town Board hereby issues a negative declaration thereon;
3) the adoption of the proposed local law is in the best interests of the residents of the Town, and the Town Board hereby adopts said Local Law No. 3 of 2019, entitled "A local law to repeal Chapter 54 of the Town Code entitled 'Park and Recreation Commission' and replace it with a new Chapter 54 entitled 'Park and Recreation Committee'"; and
4) the Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Woodbury, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

ADOPTED BY ROLL CALL AS FOLLOWS:

Supervisor Palermo	YES
Councilman Arone	YES
Councilman Essig	YES
Councilwoman Hernandez	YES
Councilman Hunter	YES

V. Department Reports:

a. Supervisor's Report:

Motion was offered by Councilman Hunter, seconded by Councilwoman Hernandez, to approve the November 2019 Supervisor's Report with receipts totaling $350,408.83 and disbursements totaling $2,235,992.04.

ADOPTED AYES 5 Palermo, Arone, Essig, Hernandez, Hunter
NOES 0

b. Town Clerks Report - November 2019

c. Building & Grounds - November 2019

d. ACO Report - November 2019
e. Police/Communications Report - November 2019
f. Beautification Committee Minutes – December 5, 2019
g. Library Board Minutes – November 26, 2019
h. Parks & Recreation Minutes – No minutes received.
i. Budget vs. Actual - November 2019

VI. Board Meeting Comments:

The Board and others collectively thanked Councilman Essig and Councilman Arone for their years of service to the Town and Community. Both also thanked those that they have worked with and wished the incoming Councilmembers luck. They also thanked their families for permitted them to serve the community.

Councilwoman Hernandez thanked the Parks Commissioners for all the hard work they have done. She recognized that change is difficult but she is happy that some of the members have decided to apply and continue to serve in the new capacity. She then noted in recent weeks there have been several crimes that have occurred in surrounding communities so she suggested everyone be sure to lock their doors. She then wished everyone Happy Holidays and Happy New Year.

VII. Adjournment:

With no further comments received, a motion was offered by Councilman Arone, seconded by Councilman Essig. to adjourn the meeting at 8PM.

ADOPTED	AYES	5	Palermo, Arone, Essig, Hernandez, Hunter
	NOES	0	

Desiree Potvin, Town Clerk

LOCAL LAW 3 OF 2019

A LOCAL LAW REPEALING CHAPTER 54 OF THE CODE OF THE TOWN OF WOODBURY, ENTITLED "PARK AND RECREATION COMMISSION" AND REPLACING IT WITH A NEW CHAPTER 54, ENTITLED "PARK AND RECREATION COMMITTEE"

BE IT ENACTED by the Town Board of the Town of Woodbury, Orange County, New York, as follows:

SECTION 1. Title.
This local law shall be referred to as "A Local Law Creating A Park and Recreation Committee".

SECTION 2. Repeal.
Chapter 54 of the Town Code, entitled "Park and Recreation Commission" is hereby repealed in its entirety and replaced with the following provisions.

SECTION 3. "§ 54-1. Legislative intent.
Historically, the Town of Woodbury has engaged its Park and Recreation Commission to provide the Town Board with input and advice in the development and adoption of policies regarding the use, operation and maintenance of the town's parks. The Town Board has continued to exercise financial control and managerial oversight of the town's parks through its Parks Department, and Parks and Recreation Director. The Town Board wishes to adopt this local law to clarify the authority of its Park and Recreation advisors, and to reassume to the Board all rights, powers, duties and/or obligations as may have heretofore been exercised by, or could have been exercised by, the former Park and Recreation Commission.

§ 54-2. Establishment of Committee
The Park and Recreation Committee is hereby established as a volunteer committee.

§ 54-3. Duties.
The Park and Recreation Committee shall:

a) advise the Town Board on the town's parkland and recreational needs;
b) advise the town's Parks and Recreation Director as to the need for park building maintenance, repairs and/or construction, and the need to create new recreational facilities and equipment;
c) advise and/or make recommendations to the Town Board and the Parks and Recreation Director regarding capital budgets; and
d) prepare and submit to the Town Board and the Parks and Recreation Director, proposed amendments to adopted park rules and regulations.

§ 54-4. Designation of Members

a) The Town Board shall appoint seven residents of the Town of Woodbury to serve as an Executive Board for the Park and Recreation Committee. Each individual will serve a seven-year term, with one member's term expiring each year. The initial terms of appointment shall be staggered such that one member will be appointed for a term of seven years; one member will be appointed for a term of six years; one member will be appointed for a term of five years; one member will be appointed for a term of four years; one member one member will be appointed for a term of three years; one member will be appointed for a term of two years, and one

member will be appointed for a term of one year. All subsequent terms shall be for a period of seven (7) years.

b) Each January, the Executive Board shall designate one of its members to serve as Chairperson, and designate one of its members to serve as Secretary/Treasurer. Both members will serve in these capacities without compensation.

c) In addition to the Executive Board, any and all residents of the Town of Woodbury are able to volunteer to assist the Executive Board in completing the goals it sets each year.

§ 54-5. Meetings of the Park and Recreation Committee Executive Board

The Executive Board is required to meet no less than eight times per year. Minutes of each meeting are to be filed with the Town Clerk for official filing within two weeks of the meeting being held. A copy of the minutes shall also be provided to the town's Parks and Recreation Director.

§ 54-6. Reports Required by Park and Recreation Committee Executive Board

The Committee's Executive Board shall submit an annual report to the Town Board, Town Clerk and Parks and Recreation Director in August of each year, outlining its activities during the past year, including an explanation of any instituted programs, objectives, goals and/or recommendations made to the Town Board."

SECTION 4. Authority.

This article is enacted pursuant to Subdivision 10 of the Municipal Home Rule Law.

SECTION 5. Rules and Regulations.

The Town Board is authorized to adopt rules and regulations, by resolution, to further implement the provisions of this Local Law.

SECTION 6. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Woodbury hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 7. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 8. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.