

Minutes of the Virtual Town Board Meeting held on May 7, 2020 at 7:30PM

Present: Frank Palermo, Supervisor
Thomas Burke, Tyler Etzel, Jacqueline Hernandez and Robert Hunter, Council

Absent: None

Also Present: Joseph McKay, Attorney for the Town

I. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Burke, to accept receipt of the minutes of the meeting held April 16, 2020.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

b. Approval of Abstract 8:

Motion was offered by Councilman Hunter, seconded by Councilman Hernandez, to approve Abstract 8 containing vouchers 200606-200687 (voiding voucher 20200676 – check #22529) and totaling \$443,948.17.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

c. Approval of Budget Modification:

Motion was offered by Supervisor Palermo, seconded by Councilman Hunter, to approve a modification to the 2020 budget of the Police Department by increasing B3120.101 (Compensated Absences) by \$37,213 and decreasing B3120.100 (Police Personal Services) by \$37,213.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

II. New Business:

a. Authorize Supervisor to Sign Maintenance Agreement - Stratagem Securities:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Burke, to authorize the Supervisor to sign a Maintenance Agreement with Stratagem Security for a term of year totaling \$7742.70. There is an option to add remote services at a rate of \$1500/year. Supervisor Palermo stated he had negotiated with the vendor for there to be no charge for this so we he will get clarification. The quoted amount includes the maintenance of equipment located at the Courthouse, Supervisor's Office, Assessor/Clerk Office, CV Library, HM Library, Community Center and Police Department.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

b. Resolution - Agreement with MWCSO to Share Litigation Costs – ELT Harriman Tax Certiorari:

Motion was offered by Councilman Burke, seconded by Councilman Etzel, to adopt the following resolution authorizing the Town Supervisor to execute an agreement with the Monroe-Woodbury Central School District to share defense costs for the defense of the ELT Harriman, LLC tax certiorari cases:

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

WHEREAS, in order to defend the actions, the Town and School District must retain professional appraisers and other consultants; and

WHEREAS, the outcome of the actions will have a significant impact on school taxes to be recovered by the School District; and

WHEREAS, the School District's counsel has worked jointly with the Town in the mediation and defense of the actions; and

WHEREAS, it is the best interests of both the School District and the Town to share the costs of retaining experts to defend and/or settle the actions;

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Town Board authorizes the Town Supervisor to execute an agreement with the Monroe-Woodbury Central School District to share the costs of retaining experts to defend and/or settle the tax certiorari cases.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
 NOES 0

c. Resolution – Retain Michael Bernholtz as Litigation Consultant for ELT Harriman Tax Certiorari:

Motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to adopt the following resolution authorizing the Town Supervisor to execute a contract with Hudson Valley Appraisal Corporation to retain Michael J Bernholz as a consultant for the ELT Harriman, LLC tax certiorari cases:

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, the Town and ELT are currently engaged in mediation as a means to resolve the pending tax certiorari actions; and

WHEREAS, in order to assist the Town in the mediation, settlement and/or trial of the actions, the Town must retain a professional consultant;

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Town Board authorizes the Town Supervisor to execute a retainer agreement with Hudson Valley Appraisal Corporation, to engage Michael J. Bernholz as a consultant for the Town with respect to the ELT tax certiorari cases.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
 NOES 0

d. Resolution – Contract with Sterling Appraisals for ELT Harriman Tax Certiorari:

Motion was offered by Supervisor Palermo, seconded by Councilman Etzel, to adopt the following resolution authorizing the Town Supervisor to execute a contract with Sterling Appraisals, Inc., as appraiser and trial expert for ELT Harriman, LLC tax certiorari cases:

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 retain a professional appraiser to prepare a court-ordered appraisal and to act as a trial expert;

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Town Board agrees to authorize the Town Supervisor to execute a retainer agreement with Sterling Appraisals, Inc., to prepare an appraisal and act as a trial expert for the Town with respect to the ELT tax certiorari cases.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

e. Re-Appoint Sue Lynch to Parks Committee:

It was noted that the time for Mrs. Lynch to take her Oath of Office from her initial appointment that occurred on March 5, 2020. Since the Oath was not administered within the required 30 days from appointment, the position becomes vacant. Motion was offered by Supervisor Palermo, seconded by Councilman Burke, to reappoint Susan Lynch to the Parks and Recreation Committee with a term to expire December 31, 2024.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

f. Appoint Clara Rivera as Secretary to the Board of Assessment Review:

Motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to appoint Clara Rivera to the position of Secretary to the Board of Assessment Review at a rate of \$225 per year.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
NOES 0

g. Acknowledgement of Cancelled Memorial Day Parade:

It was noted that due to the circumstances facing the world today the Memorial Day Parade Committee has decided to cancel the parade this year. Supervisor Palermo noted the Town Board will work with the Parade Committee to hopefully have a parade in the fall instead.

EXTRA ITEM – Resolution Regarding 2020 Assessment Roll and Grievance Process:

Motion was offered by Councilman Etzel, seconded by Councilwoman Hernandez, to adopt the following resolution regarding the 2020 assessment roll and Real Property grievance process:

WHEREAS, the Governor of the State of New York has issued various Executive Orders and limitations on municipal actions so as to protect the public as well as municipal employees during the time of this COVID-19 Pandemic (“Pandemic”), including Executive Order 202.22, issued April 20, 2020, which authorizes local governments to take certain actions pertaining to real property tax assessment practices pursuant to Article 5 of the Real Property Tax Law (RPTL); and

WHEREAS, Executive Order 202.22 allows the tentative and final assessment rolls to be filed up to 30 days later than the statutory requirements; allows an assessing unit to set a date for hearing assessment complaints that is at least 21 days after the filing of the tentative roll; allows for the notice of the filing of the tentative roll to be published solely on line; suspends the in-person inspection of the tentative roll, and allows local Boards of Assessment Review to hear complaints remotely by conference call or similar service; and

WHEREAS, consistent with the foregoing, the Town Board desires to protect the rights of Town taxpayers to pursue lawful assessment roll review and grievance proceedings while protecting the health and safety of such persons and municipal employees.

NOW, THEREFORE, in accordance with Executive Order 202.22, it is Resolved by the Town Board as follows:

- 1) All “WHEREAS” paragraphs above are incorporated herein by reference as though set forth in full.

- 2) The tentative assessment roll shall be published on the Town of Woodbury website no later than June 1, 2020, and taxpayer review of the tentative assessment roll with the Town Assessor shall be by appointment only, said appointments to be conducted only by telephone.
- 3) The Board of Assessment Review, on or about June 23, 2020, shall hear grievance complaints remotely by telephone conference call or similar service. The hearing of said complaints shall be by appointment only.
- 4) The Town Assessor and Board of Assessment of Review, in consultation with the Town Supervisor and the Town's attorney, will establish any necessary procedures to implement this Resolution and the assessment review and grievance process.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
 NOES 0

III. Old Business:

a. Various Items Relating to the John P Burke Pool Renovations:

- Reminder - Attend the two planned virtual informational meetings. They will be held on May 13 at 7PM and May 16 at 10AM. You will be able to participate live and community with the Town Board, Parks Committee, Buildings/Grounds and Town consultants.
- Reminder – Take the survey. Survey is accessible from the Town's website and is due no later than May 18 at Noon.

b. FY2021 Orange County Community Development Grant Suggestions:

A public hearing has been continued from March 17 to June 4, 2020 for suggestion to be received for projects to the possibly funded through the FY2021 Orange County Community Development Grant. Supervisor Palermo urged residents to submit their suggestions prior or at the June 4 meeting.

c. 2020 Census:

Supervisor Palermo reminded the public to complete the 2020 Census.

IV. Board Meeting Comments

Councilwoman Hernandez urged the public to take the survey that has been created to gage public input on which pool proposal should be funded. She stressed this is the only way for the public to let the Board know which design they want. Member of the Parks Committee and Department will be reviewing the surveys and organizing the input/comments received. She thanked the community for being diligent as we all navigate the unknown during this pandemic. She noted everyone is hanging in as a community and she asked that all continue to be kind, gentle and compassionate. She then thanked some of the Town departments for all that they are doing for the residents and enforcing social distancing requirements. She concluded by stating there is a lot of information on the Town's website regarding COVID-19 and resources as well.

Councilman Hunter urged the public to not "let your guard down". He urged all to continue practicing social distancing and looking out for each other. He then sent condolences to all that have lost friends and families during this time.

Councilman Etzel urged all to be safe. He noted there was a large meeting held last night about the pool and the hope to move forward. He feels it is very important to fill out the surveys.

Councilman Burke stated he has been at the Rez regularly on weekends and evenings and he has noticed that the members of the community all have smiles on their faces and practicing great social distancing. He also noticed that businesses are enforcing social distancing. He then sent condolences to the Colleen Pierce for the passing of her mother. She feels the town/village made a good showing for the procession that was held for her this past weekend. He then asked if a CodeRed announcement can be made urging the public to take the online survey on the pool. Clerk Potvin stated she can do that and asked that someone send her a script of what should be said. Councilman Burke then thanked all the Department Heads for taking the lead in examining their budgets to see where funds can be saved.

Clerk Potvin thanked residents, friends and co-workers for their support and prayers for the loss of her mother-in-law. She also recognized the recent passing of two former Town employees. In March Judith Sias passed away – she worked in the Justice Court. Last month Louise Kopchak passed away – she is a former Deputy Town Clerk and served as Secretary to the Zoning Board of Appeals for many years.

Supervisor Palermo congratulated Senator Skoufis on his successful recovery of the COVID-19 virus. He then noted he has been watching the daily press conferences from Governor Cuomo and one of the biggest surprises he heard was that about 63% of those that have contracted the virus have been individuals that were staying home. These individuals were deemed non-essential and must have caught the virus while out shopping. He stressed the need for people to be diligent when they are outside their homes and protect themselves.

V. Adjournment:

With no further business to discuss or comments received, a motion was offered by Councilwoman Hernandez, seconded by Councilman Etzel, to adjourn the meeting at 8:15PM.

ADOPTED AYES 5 Palermo, Burke, Etzel, Hernandez, Hunter
 NOES 0

Desiree Potvin, Town Clerk

