

Minutes of the Town Board Virtual Meeting held on May 21, 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; members of the public

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 May 7, 2020.

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

b. Approval of Abstract:

Motion was offered by Supervisor Palermo, seconded by Councilman Hunter, to approve Abstract 9 containing vouchers 200688 – 200733 and totaling \$137,949.58.

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

c. Approval of Budget Modifications:

Motion was offered by Councilman Etzel, seconded by Councilwoman Hernandez, to approve the following modifications to the budget:

- Police Fund - by increasing B3120.101 (Compensated Absences) by \$37,213 and decreasing B3120.100 (Police Personal Services) by \$37,213;
- General Fund - by increasing A1220.405 (CPA) by \$8000 and decreasing A1320.400 (Auditor) by \$8000;
- Parks Department - by increasing A7110.454 (Advertising) by \$1500 and decreasing A7110.416 (Uniforms) by \$1500.

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

II. New Business:

a. Town of Woodbury has filed the AUD report with NYS:

Supervisor Palermo noted the 2019 Annual Update Document has been filed with the New York State Comptroller's Office on May 11, 2020. He noted that it is also posted on the Town's website for public inspection.

b. Authorize the Supervisor to sign 3.5-year lease with Kent Management:

Supervisor Palermo stated the Town has arranged to get a fourth room in the building. The Assessor will be moving to the first floor and the Parks/Recreation will go on the lower level next to the Town Clerk office. Attorney McKay stated he is reviewing the lease and working to combine the existing lease with the new area. Supervisor Palermo stated this issue will be on the agenda for the next meeting.

c. Resolution – Limited Road Work Agreement - Woodbury Villas, LLC/Amerex Construction, LLC:

d. Resolution – Limited Road Work Agreement - Veyoel Moshe Gardens:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Hunter, to adopt the following resolution authorizing the Town Supervisor to execute agreements for the completion of roadway improvements with Woodbury Villas, LLC and Veyoel Moshe Gardens, LLC:

WHEREAS, on October 23, 2006, the Town Planning Board issued a Final Conditional Subdivision, Site Plan and Special Permit Approval for the Woodbury Junction Project to construct a total of 451 residential dwelling units within a total of 398 acres (the "Approval"); and

WHEREAS, as a condition to the issuance of any certificates of occupancy for Phase II of the Approval, the intersection of Dunderberg Road and Nininger Road was required to be signalized and a right turn lane was required to be constructed Dunderberg Road (the "Roadway Improvements"); and

WHEREAS, the Roadway Plans and Approval contemplated the above noted Roadway Improvements in an area identified as Open Space Area J; and

WHEREAS, the Approval specifically notes that: "[t]he Dedicated Open Space lands may be used for municipal purposes, such as infrastructure improvements, under limited circumstances which protect the Dedicated Open Space character under the strict control of the Town Board"; and

WHEREAS, the Approval also notes that: [t]he open space perimeter surrounding the Project is an integral part of the Project and its approval, and no degradation or adverse encroachment of this area, except in such areas as specifically permitted as shown on the approved plans is permitted by the residents, the HOA, or anyone else"; and

WHEREAS, in consideration of the Applicant's obligation to complete the Roadway Improvements and comply with the conditions of the Approval, the Town wishes to allow the construction of the Roadway Improvements on Town owned property within the area shown on the Roadway Plans; and

WHEREAS, Woodbury Villas, LLC and Veyoel Moshe Gardens, LLC (the "Developers") have applied for permits to perform the work from the County of Orange and have requested that the Town authorize the work required by the Approval; and

WHEREAS, the Attorney for the Town has prepared an agreement requiring the Developers to obtain insurance coverage for the construction of the improvements, and to indemnify, defend and hold the Town harmless for any damage that may result from the work, among other provisions;

NOW THEREFORE, it is hereby:

RESOLVED, that the Supervisor is authorized to execute the work agreements with Woodbury Villas, LLC and Veyoel Moshe Gardens, LLC.

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

Supervisor Palermo noted both entities will be posting a \$5000 escrow to pay for any expenses relating to this issue. Attorney McKay added there are two contracts and two separate areas where this work will be done.

EXTRA ITEM – Authorize Town to Pay for Building Permit – Courthouse Roof Repairs:

Councilman Hunter asked why the Village Board is demanding the permit and Supervisor Palermo stated the permit is needed but he did send an email requesting the fee be waived. The Village Board voted 1-4 on the issue, with Mayor Egan being the only member to approve waiving the fee. Councilman Hunter stated he watched the Village Board meeting when this discussion was held and listened to the explanation provided by Trustee Graziano for his theory to deny the waiver but it was not understandable. He did send him an email requesting it be explained but he did not receive a response. Councilwoman Hernandez stated she is very disheartened especially since both Boards are supposed to be moving forward working together. She would like both Boards to meet and discuss issues as she is over what has been going on for the past two years. Councilman Etzel stated he feels if the Village

Board wants to be that way then the Town Board should let them. He noted it is a shame and added the fee is due to the cost of the project requiring prevailing wages and the asbestos remediation on the roof. Councilman Burke stated he agrees with the comments made and feels the Town Board will take the high road. He also agrees a meeting should be held with the Village Board and that doing so could go a long way to moving forward. Supervisor Palermo noted at the beginning of this year he made a statement that he would not attack the Village but he is very disgusted with the actions of the four Trustees. He feels Trustee Graziano is a hypocrite and not a man of his word. He is highly disappointed and noted he has been working very hard with the Mayor to mend fences. He also noted it is disgraceful and he knows of no other municipality that would have done what the Village board did. Motion was then offered by Councilwoman Hernandez, seconded by Councilman Burke, to pay the required permit fee to the Village of Woodbury for the work being done on the Town Courthouse roof in the amount of \$1621.

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

III. Department Reports:

a. Supervisor's Report – March and April 2020

Motion was offered by Councilman Etzel, seconded by Councilman Hunter, to approve the Supervisor's Report for March 2020 with receipts totaling \$258,361.27 and disbursements totaling \$896,654.91.

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

Motion was then offered by Councilman Etzel, seconded by Councilwoman Hernandez, to approve the Supervisor's Report for April 2020 with receipts totaling \$534,684.43 and disbursements totaling \$790,030.34.

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

b. Town Clerk's Report – April 2020

c. Buildings/Grounds Report – April 2020

d. ACO Report – April 2020

e. Police/Communications Report – April 2020

f. Beautification Committee Minutes – No meeting held

g. Library Minutes – April 16, 2020 and May 5, 2020

h. Parks & Recreation Minutes – May 5, 2020

i. Budget vs. Actual – April 2020

IV. Board Meeting Comments:

Councilwoman Hernandez thanked the community for their patience while the Town enters its third month of isolation. She encouraged the community to continue positive things and checking on their neighbors. She also wished continue strength to parents while homeschooling their children and stated her thoughts are with the graduating seniors. She thanked the Parks/Recreation Committee and Director Gianzero for all their work with the pool survey. The deadline has been extended to June 5 and there have been over 700 surveys submitted thus far. She then noted there was recent criminal activity that took place at two local businesses and she recognized the Police Department for their quick response and resolution of the situation. She then asked that everyone take a moment this weekend to remember that it is Memorial Day.

Councilman Etzel wished all the veterans' the very best and thanked them for their service. He also recognized those that made the ultimate sacrifice for our country. He wished everyone to enjoy the weekend.

Councilman Hunter noted that this week is National EMS week and he thanked all the local and regional EMS workers and those that support these individuals, including Mayor Egan who also serves in this capacity.

Councilman Burke wished everyone a healthy and safe Memorial Day weekend. He has witnessed everyone social distancing and doing their part while enjoying the Reservoir. He gave gratitude to our past and present service men and women and thanked them for all they do.

Supervisor Palermo stated he is getting a lot of feedback on the fact that the State has decided to open up its shores to the public beaches but the Reservoir is not open. The State has opened the beaches for not the public swimming. He also reminded everyone that they need to keep their safe distance and wear face masks in public. The Reservoir is open for passive activities at this time but the bathrooms are not able to be open. Regarding Camp Rez, the Parks Department is working with the State to get the required permits to have camp but here is nothing that can be scheduled until the State says it is okay, which may not be something that is approved for this year. He noted that all individuals at the Reservoir need to have their park pass or identification on them to prove they are residents. Regarding the garage sales he has spoken to the State and County and they will not be permitted until Phase 4. He then wished everyone a safe Memorial Day and thanked all that should be honored.

V. Adjournment:

With no further business to discuss, a motion was offered by Councilwoman Hernandez, seconded by Councilman Burke, to adjourn the meeting at 8:05PM

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

Desiree Potvin, Town Clerk