

Minutes of the Town Board Meeting held on April 4, 2019 at 7:30PM

Present: Frank Palermo, Supervisor  
Timothy Arone, Jacqueline Hernandez and Robert Hunter, Council  
Absent: Michael Essig, Councilman  
Also Present: Joseph McKay, Attorney for the Town; Joseph Gianzero, Parks Director; Michael Faravashi, Police Officer; John Smith, Parks Commissioner

### **Pledge of Allegiance Led by Robert Beckley, Junior Deputy Supervisor**

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

##### **a. Orange County Community Development Grant FY2020:**

A public hearing was held to entertain suggestions for projects to be applied for funding through the FY2020 Orange County Community Development Grant Program. The public notice was printed in the Times Herald Record on March 27, 2019 and the following comments were received:

A written suggestion was received from Historian Leslie Rose recommending the following repairs to the Rushmore Memorial Building (Historical Society) in Highland Mills: repairs to the disabled entrance ramp (wrought iron railings are rusting, uprights are falling away from the frame, the concrete blocks are crumbling), the roof needs to be repaired/inspected (there is grass growing out of the chimney), because of the stonework the cement that holds everything together needs inspecting to make sure it is tight with no loose joints, the windows are decorated with lead mullions and several need to be addressed and have cracked glass, there is water in the basement which was not a problem prior to the sewer lines. FP suggested instead of repairing the ramp it should be replaced.

Maria Hunter repeated the following items she suggested at the March 21 meeting: 1) sidewalks along the west side of Route 32 from the Highland Mills Methodist church north; 2) improving the parking at the animal shelter; 3) repairing the disabled ramp at the Central Valley library and improving landscaping at this location.

With no further project suggestions made, a motion was offered by Councilwoman Hernandez, seconded by Councilman Arone, to close the public hearing.

**ADOPTED**      AYES    4            Palermo, Arone, Hernandez, Hunter  
                     NOES    0

Clerk Potvin noted a certified copy of the minutes of this public hearing will be forwarded to the Town Engineer for the application process.

Motion was then offered by Supervisor Palermo, seconded by Councilman Arone, to submit its Municipal Grant Eligibility Form for consideration under the Orange County Community Development Block Grant (CDBG) 2020 and that the Supervisor or the Town Engineer is hereby authorized to submit this form. Further, the Board has read and understands the Municipal Grant Eligibility Form, has met all of its applicable requirements and that the information contained in the form is accurate and true to the best of their knowledge.

**ADOPTED**      AYES    4            Palermo, Arone, Hernandez, Hunter  
                     NOES    0

#### **II. Public Comment:**

Robin Crouse stated she was on the Town's website trying to locate older minutes but only 2019 is on therefrom this year - Supervisor Palermo stated he would look into it. Mrs. Crouse then asked if plans have been made to remove the contaminated soil at Gasho - Supervisor Palermo stated the soil was tested this week and more information should be available for the next meeting. Mrs. Crouse then asked for the status of the Recreations Center - Supervisor Palermo stated the only thing not done is the

alarm system which is planned for next week and then the Village Building Inspector can sign-off. Mrs. Crouse stated she attended the joint Town/Village Board meeting and was very happy to see that all individuals were cordial and professional. She thought that it was a good meeting and she looks forward to more conversations being held. She had FOILed the Town's legal cost relating to the lawsuit, which total about \$52K and asked if that matches what the Board feels they have spent. Councilman Arone stated at the meeting Trustee Flood said the Village has spent about \$22K on legal costs. When Trustee Flood asked him how much the Town has spent, Councilman Arone noted no one had the figures available at the meeting. Mrs. Crouse asked if anyone has researched it and Attorney McKay stated there is a FOIL request that has been received which he is working on that addresses it. Mrs. Crouse then urged the Board to authorize Attorney McKay to end the lawsuit by filing the necessary paperwork to do so.

### III. Administrative Business:

#### a. Acceptance of Minutes:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Arone, to accept receipt of the minutes of the regular meeting held March 21, 2019.

**ADOPTED**      AYES    4            Palermo, Arone, Hernandez, Hunter  
                     NOES    0

#### b. Approval of Abstract:

Motion was offered by Supervisor Palermo, seconded by Councilwoman Hernandez, to approve Abstract 7 containing vouchers 20190537 - 20190616 and totaling \$98,581.21.

**ADOPTED**      AYES    4            Palermo, Arone, Hernandez, Hunter  
                     NOES    0

#### c. Budget Modification(s):

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

1. Increasing B3120.474 (Medical Supplies) by \$343 and decreasing B3120.414 (First Responders Medical) by \$343;
2. Increasing A3021 (State Aid - Court Facilities) by \$14,031 and increasing A1110.200 (Justice Court Equipment) by \$14,031.

**ADOPTED**      AYES    4            Palermo, Arone, Hernandez, Hunter  
                     NOES    0

### IV. New Business:

#### a. Approve Town Clerk to advertise for Chlorine Bids:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Arone, to authorize the Town Clerk to advertise for bids for Chlorine.

**ADOPTED**      AYES    4            Palermo, Arone, Hernandez, Hunter  
                     NOES    0

#### b. Approve Town Clerk to advertise for Propane Bids:

Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to authorize the Town Clerk to advertise for bids for propane for the Community Center.

**ADOPTED**      AYES    4            Palermo, Arone, Hernandez, Hunter  
                     NOES    0

Councilman Hunter asked who the current propane supplier is. Supervisor Palermo stated currently it is Chilly Gas because propane was needed to heat the building while work was being done inside.

c. Approve Town Clerk to advertise for #2 Fuel Oil Bids:

Motion was offered by Supervisor Palermo, seconded by Councilman Hunter, to authorize the Town Clerk to advertise for bids for #2 Fuel Oil.

**ADOPTED**      AYES    4            Palermo, Arone, Hernandez, Hunter  
                     NOES    0

d. Award the Snack/Soda/Ice Cream Vending Bid:

Clerk Potvin stated a bid opening was held on April 1, 2019 for proposals for the placement of vending machines at our two municipal water parks. The public notice was printed in the Times Herald Record on March 18, 2019 and only one bid was received. HGA Vending, Monroe, will provide a 20% commission. They are our current supplier and the Parks Department has been more than satisfied with their service and professionalism. Motion was offered by Councilman Arone, seconded by Councilman Hunter, to accept the bid received from HGA Vending for vending services at both water parks May 1, 2019 – April 30, 2022.

**ADOPTED**      AYES    4            Palermo, Arone, Hernandez, Hunter  
                     NOES    0

e. Authorize the Supervisor to sign renewal agreement with Stratagem Securities:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Hunter, to authorize the Supervisor to sign a renewal agreement with Stratagem Securities.

**ADOPTED**      AYES    4            Palermo, Arone, Hernandez, Hunter  
                     NOES    0

f. Change of Employment Status – Jewels Akins:

Motion was offered by Councilwoman Hernandez, seconded by Councilman Arone, to change the employment status of Jewel Akins from provisional, part-time to permanent, full-time (at reduced hours) Clerk in the Assessor's Office at her current rate of \$16.36/hour.

**ADOPTED**      AYES    4            Palermo, Arone, Hernandez, Hunter  
                     NOES    0

g. Appointment of Part-Time Tech Support Assistant in Library:

Motion was offered by Supervisor Palermo, seconded by Councilman Arone, to appoint of Marri Furk to the part-time position (less than 20 hours) of Tech Support Assistant at an hourly rate of \$20.50 per the UPSEU schedule and a start date of April 9, 2019.

**ADOPTED**      AYES    4            Palermo, Arone, Hernandez, Hunter  
                     NOES    0

h. July 4, 2019 Town Board Meeting:

Since Independence Day falls on the first Thursday of the month, the Board discussed alternate dates/times to hold their meeting, specifically to approve an abstract. After discussion, motion was offered by Councilman Arone, seconded by Councilman Hunter, to reschedule the July 4, 2019 meeting to be held on July 3, 2019 at 10AM for the purpose of approving an abstract and budget modifications, if necessary.

**ADOPTED**      AYES    4            Palermo, Arone, Hernandez, Hunter  
                     NOES    0

EXTRA ITEM - Acceptance of Resignation:

Motion was offered by Councilman Arone, seconded by Councilwoman Hernandez, to accept the resignation of Yury Martynau from the position of Groundskeeper effective April 19, 2019 (last date of work will be April 18, 2019).

**ADOPTED**      AYES    4            Palermo, Arone, Hernandez, Hunter  
                     NOES    0

**V. Old Business:**

EXTRA ITEM - Update on Town/Village Litigation:

Councilman Arone stated earlier this week Councilman Essig and he met with Village representatives to walk the property that was exchanged and discuss the property lines. The discussion went very well and he believes some mutual decisions were made

**VI. Board Meeting Comments:**

Supervisor Palermo noted on April 9 there will be an artist committee meeting at 7PM. He also felt the joint meeting went very well and that everyone acted like mature adults, which he feels is a good thing.

Clerk Potvin noted the passing of former employee William McClennan.

**8PM - Executive Session:**

Motion was offered by Councilwoman Hernandez, seconded by Councilman Arone, to enter into an executive session pursuant to Public Officers Law Section 105(1)(f) to discuss a matter of employment.

**ADOPTED**      AYES    4            Palermo, Arone, Hernandez, Hunter  
                     NOES    0

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The following was recorded by Councilwoman Hernandez:

*EXECUTIVE SESSION: EMPLOYEE CONTRACT*

In attendance: Supervisor Palermo, Councilmen Arrone and Hunter, Councilwoman Hernandez, Attorney McKay

Absent: Councilman Essig

***ACTION TAKEN BY BOARD - DISCUSSION CONCERNING MEDICAL INSURANCE FOR EMPLOYEE  
MOTION BY COUNCILMAN ARRONE TO DENY REQUEST FOR TO HAVE THE TOWN PAY FOR HER 20%  
PREMIUM TOWARDS NYSHIP; SECONDED BY BOB HUNTER;  
ALL IN FAVOR, 4 AYES: HERNANDEZ, PALERMO, ARRONE, HUNTER, 0 NO***

*MOTION TO EXIT EXECUTIVE SESSION AT 8:23PM BY PALERMO;COUNCILMAN ARRONE SECONDED  
MOTION ALL IN FAVOR: 4 AYES: HERNANDEZ, PALERMO, ARRONE, HUNTER, 0 NO*

*MOTION TO ENTER ATTORNEY CLIENT SESSION AT 8:24PM BY PALERMO COUNCILMAN ARRONE  
SECONDED MOTION ALL IN FAVOR: 4 AYES: HERNANDEZ, PALERMO, ARRONE, HUNTER, 0 NO*

MOTION TO EXIT ATTORNEY CLIENT SESSION AT 8:53 BY COUNCILMAN ARRONE SUPERVISOR PALERMO  
SECONDED MOTION ALL INFAVOR: 4 AYES: HERNANDEZ, PALERMO, ARRONE, HUNTER, 0 NO

MOTION TO ENTER INTO PUBLIC SESSION BY PALERMO 8:54PM COUNCILMAN ARRONE SECONDED  
MOTIONALL IN FAVOR: 4 AYES: HERNANDEZ, PALERMO, ARRONE, HUNTER, 0 NO

**ACTION TAKEN BY BOARD - PALERMO MOTIONED TO DENY APPEAL FOR FOIL OF MAP (SEE JOE  
MCKAY); ARRONE SECONDED THE MOTION; ALL IN FAVOR: 4 AYES: HERNANDEZ, PALERMO, ARRONE,  
HUNTER, 0 NO**

MOTION TO CLOSE THE PUBLIC SESSION BY ARRONE AT 9:00PM SECONDED BY HUNTER  
ALL IN FAVOR: 4 AYES: HERNANDEZ, PALERMO, ARRONE, HUNTER, 0 NO

Desiree Potvin, Town Clerk

RESOLUTION DETERMINING FOIL APPEAL, RECEIVED APRIL 3, 2019:

WHEREAS, the Town of Woodbury Town Clerk received a Freedom of Information Law (“FOIL”) request dated on or about February 22, 2019 (2016-00062), requesting a copy of a draft map and related documents in the possession of the Town Board; and

WHEREAS, the Town of Woodbury Records Access Officer, the Town Clerk, responded to the FOIL request (2016-00062) on or about March 6, 2019, denying the request on several grounds, including that the record(s) sought were deliberative materials or communications exchanged for discussion purposes and did not constitute a final policy decision; and

WHEREAS, on April 3, 2019, the Town received the applicant’s appeal of the Town Clerk’s determination, and the Town Board considered the appeal pursuant to section 247-7 of the Town of Woodbury Town Code and applicable provisions of the Public Officers Law;

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Town Board denies the applicant’s appeal, and affirms the denial issued by the Records Access Officer for the reasons stated in the March 6, 2019 FOIL response.